

DAVIS MURRAY SHORTHAND REPORTING CORPORATION

SFUND RECORDS CTR

2397712

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**CERTIFIED
COPY**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.	)	CIV. NO. 93-6490 MRP (Tx)
	)	(Consolidated Actions)
ALLIEDSIGNAL, INC., et al.,)	
)	
Defendants.)	
_____)	
STATE OF CALIFORNIA, on behalf)	
of the State Department of Toxic)	
Substances Control,)	
)	
Plaintiff,)	
)	
vs.)	
)	
ALLIEDSIGNAL, INC., et al.,)	
)	
Defendants.)	
_____)	

DEPOSITION OF MICHAEL ROBERT McALLISTER, VOLUME I

Taken on Monday, March 8, 1996, at 10:10 a.m.

Location: Anderson, McPharlin & Conners
624 South Grand Avenue, 19th Floor
Los Angeles, California

Reporter: Sally K. Farwell, CSR, RPR
Certificate Number 5675

(Page 1 - 73)

1 Deposition of MICHAEL ROBERT McALLISTER, Volume I,
2 taken before Sally K. Farwell, a Certified Shorthand
3 Reporter for the State of California, with principal
4 office in the County of Orange, commencing at
5 10:10 a.m., Monday, March 8, 1996, at the offices of
6 Anderson, McPharlin & Conners, 624 South Grand Avenue,
7 19th Floor, Los Angeles, California.

8 APPEARANCES OF COUNSEL:

9
10 For Plaintiff United States of America:

11 UNITED STATES DEPARTMENT OF JUSTICE
12 Environmental Enforcement Section
13 301 Howard Street, Suite 870
14 San Francisco, California 94105
15 (415) 744-6477
16 BY: DAVID B. GLAZER, ESQ.

17 For Plaintiff The State of California, on behalf of
18 the State Department of Toxic Substances Control:

19 STATES OF CALIFORNIA
20 DEPARTMENT OF JUSTICE
21 Office of the Attorney General
22 300 South Spring Street, Suite 500
23 Los Angeles, California 90013
24 (213) 897-2607
25 BY: ANN RUSHTON, ESQ.

26 For Defendant LOS ANGELES BY-PRODUCTS CO.:

27 GREENWALD, HOFFMAN & MEYER
28 Attorneys at Law
29 500 North Brand Boulevard, Suite 920
30 Glendale, California 91203
31 (818) 507-8100
32 BY: ANITA SOKOLSKY, ESQ.
33 RAUL M. MONTES, ESQ.

APPEARANCES OF COUNSEL: (Continued)

For Defendant CALIFORNIA CAR HIKERS SERVICE:

ANDERSON, McPHARLIN & CONNERS
A Partnership Including Professional Corps.
One Wilshire Building, Nineteenth Floor
624 South Grand Avenue
Los Angeles, California 90017-3320
(213) 688-0080
BY: DAVID A. BORCHERT, ESQ.

DANIELS, BARATTA & FINE
Attorneys at Law
1801 Century Park East
9th Floor
Los Angeles, California 90067
(310) 556-7900
BY: NATHAN B. HOFFMAN, ESQ.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

EXAMINATION BY:

PAGE

Mr. Borchert

5

EXHIBITS

DEPOSITION

DESCRIPTION

PAGE

(NONE OFFERED)

QUESTIONS NOT ANSWERED

PAGE

LINE

27

15

33

3

53

12

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MICHAEL ROBERT McALLISTER,

called as a witness by the Defendants, and having been
first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. BORCHERT: Q. Sir, would you give us your
full name for the record, please.

A. Michael Robert McAllister.

Q. And are you an employee of Los Angeles
By-Products, sir?

A. Yes.

Q. I just want to note for the record before the
deposition begins that we had propounded interrogatories
and a request for production of documents to
L.A. By-Products, which have not as of this point been
responded to. Those are the subject of some discussions
we're going to have with Judge Geffen this afternoon, but
I just for the record wanted it made clear that this
deposition is being taken without those documents or
interrogatory answers having been produced, and that we
specifically reserve the right to continue this or any
other deposition in this case to the extent that that
information is relevant, germane, or its lack thereof is
prejudicial.

1 Mr. McAllister, what is your position --

2 MR. MONTES: Oh, in response, I believe the
3 discovery responses are being faxed to your office now.

4 MR. BORCHERT: Well, that doesn't do me a whole lot
5 of good right now, does it.

6 MS. SOKOLSKY: Well, we can accommodate you as you
7 have not chosen to accommodate us. We will either allow
8 the witness -- excuse me -- allow this deposition to
9 adjourn and then begin after you've had an opportunity to
10 review them. But we are willing to work with you in the
11 spirit of cooperation and ask that you extend the same
12 courtesy to us.

13 MR. BORCHERT: Well, all I know is I'm taking a
14 deposition, material has not be provided. You have now
15 represented it is on its way.

16 MS. SOKOLSKY: Right.

17 MR. BORCHERT: And I propose to continue with the
18 deposition.

19 MR. MONTES: That's fine. That's your choice. But
20 with respect to reserving the right to open up the
21 deposition, we will object to that.

22 MS. SOKOLSKY: Right.

23 MR. MONTES: Since those responses are being faxed
24 to you and you can just simply take a look at them now.

25 MR. HOFFMAN: I would suggest that we wait until

1 this afternoon because that's going to be a point of our
2 discussion with Judge Geffen, and he'll make the decision
3 about how we proceed.

4 MS. SOKOLSKY: I'd also like, before Mr. Borchert
5 begins, to put an objection on the record as to his notice
6 of taking the deposition of person most knowledgeable by
7 Los Angeles By-Products, and that would be items 2 and 4,
8 we are objecting on the grounds that they are overbroad and
9 present an undue burden.

10 With respect to items 5, 6, and 7, they call
11 for expert opinion, lack foundation, and assume facts not
12 in evidence. And I won't repeat my objections again for
13 the specific landfills because it appears that the numbers
14 correspond to the same items I'm objecting to. Unless you
15 want me to go through and object to each number on here.

16 MR. BORCHERT: Do whatever you want, Anita.

17 MS. SOKOLSKY: Well, okay. Then I will.

18 For Penrose landfill, numbers 2 and 4 are
19 overbroad and present an undue burden. Items 5, 6, and 7,
20 we object on the grounds that they ask for expert opinion,
21 lack foundation, and assume facts not in evidence.

22 With Newberry landfill listed on pages 3 and
23 4, we are objecting on the grounds that items 2 and 4 are
24 overbroad and call for an undue burden. For items 5, 6,
25 and 7, we are objecting on the grounds that they call for

1 expert opinion, lack foundation, and assume facts not in
2 evidence.

3 And for the documents to be produced found on
4 pages 4 and 5, we are objecting on the grounds that
5 cross-claimant California Car Hikers has equal access to
6 these documents as they are public agency documents.

7 MR. BORCHERT: And we'll just note that all
8 objections have been noted because the responses were not
9 made timely.

10 MS. SOKOLSKY: And we will disagree with that and
11 put it in front of Judge Geffen.

12 BY MR. BORCHERT: Q. Mr. McAllister, how long have
13 you worked for L.A. By-Products?

14 A. Oh, I first started about 1959, 1960, as
15 part-time.

16 Q. And what were you doing for L.A. By-Products
17 when you started for them?

18 A. Oh, basically labor.

19 Q. You were a laborer?

20 A. Uh-huh, down at the factory location, which
21 is -- oh, I guess you might say it would be
22 1819 East 25th Street.

23 MS. SOKOLSKY: Just answer the specific question.

24 THE WITNESS: Okay.

25 BY MR. BORCHERT: Q. And how long were you a

1 laborer at L.A. By-Products, sir?

2 A. For short period of time.

3 Q. Okay.

4 After that short period of time what was your
5 position if any with L.A. By-Products?

6 A. Well, from the laborer, when I started in at
7 school, and became assistant to the purchasing agent.

8 Q. I'm sorry. You were going to school at this
9 time?

10 A. At the time that I was an assistant to the
11 purchasing agent, that's right.

12 Q. What school were you going to at that time?

13 A. Woodbury University.

14 Q. What program were you pursuing there?

15 A. Bachelor of science.

16 Q. Did you ever receive that degree?

17 A. Yes, I did.

18 Q. When was that?

19 A. 1966, I believe.

20 Q. You worked as an assistant to the purchasing
21 manager, is that what you said?

22 A. Purchasing agent.

23 Q. Agent, I'm sorry.

24 And how long did you hold that position?

25 A. Probably for about a year. Maybe a year and

1 a half.

2 Q. And what did you next do for
3 L.A. By-Products, if anything?

4 A. Well, I was called in to the military. So I
5 did my military obligation and came back to full-time
6 service after discharge.

7 Q. Okay. And when was that?

8 A. When was what? When I went in the military?

9 Q. No, when you came back from the military.

10 A. About 1971.

11 Q. And when you started working full-time for
12 L.A. By-Products in 1971, what were you doing?

13 A. I did some payroll. Also did some checking
14 on the railroad bills that we used to receive. And did
15 some miscellaneous accounting.

16 Q. Your B.S. from Woodbury in '66, was that in
17 accounting or business administration?

18 A. It was in business administration.

19 Q. What was the next position you had at
20 L.A. By-Products after you came back in 1971?

21 A. As far as a position would probably be
22 treasurer.

23 Q. When did you become treasurer?

24 A. I don't know the year.

25 Q. Well, we don't want you to guess but do you

1 have any rough approximation of when that might have been?

2 A. Probably 1975, plus or minus.

3 Q. After 1975 did you take another position with
4 L.A. By-Products?

5 A. Yes.

6 Q. What was that?

7 A. Assistant secretary.

8 Q. And when did you become assistant secretary?

9 A. I don't know the exact date.

10 Q. The same qualification, we don't want you to
11 speculate, but do you have an estimate of when it was?

12 (Attorney-client conference.)

13 THE WITNESS: I don't remember.

14 BY MR. BORCHERT: Q. And how long did you remain
15 treasurer?

16 A. I'm still a treasurer. For that period of
17 time that you're talking about was probably for a short
18 period of time, maybe two years, maybe three years.

19 Q. And as a treasurer what were your job duties?

20 A. Overseeing bookkeeping procedures.

21 Q. What was the next job you had after
22 treasurer?

23 A. Assistant secretary.

24 Q. And you don't recall how long you were
25 assistant secretary?

1 A. No.

2 Q. What did you do as assistant secretary?

3 A. Well, basically at that same time I was still
4 overseeing some of the bookkeeping procedures, and then
5 also I was in charge of the normal jobs that are associated
6 with being a secretary.

7 Q. Such as?

8 A. Issuance of stock certificates.

9 Q. Anything else?

10 A. Signing contracts.

11 (Secretarial interruption.)

12 MR. BORCHERT: I'm sorry. Can I have that last
13 answer back.

14 (The record was read.)

15 BY MR. BORCHERT: Q. And after you were assistant
16 secretary, what position did you have with
17 L.A. By-Products?

18 A. Vice president.

19 Q. And how long did you hold that position?

20 A. Approximately seven years.

21 Q. Until about when?

22 A. About a year ago.

23 Q. And after vice president what was your
24 position with By-Products?

25 A. It is right now president.

1 Q. You've been doing that for approximately a
2 year?

3 A. That's right.

4 Q. Mr. McAllister, do you have any ownership
5 interest in L.A. By-Products?

6 A. Yes.

7 Q. And what is that interest?

8 A. I believe it's .6 shares.

9 Q. Out of how many total?

10 A. I don't know the exact figure.

11 Q. Have any other members of your family worked
12 for L.A. By-Products?

13 A. Yes.

14 Q. Who is that?

15 A. My son Robert, my son Brett, my son Brian.

16 Q. Sorry. What was the last one?

17 A. Brian.

18 Q. Brian?

19 A. Uh-huh.

20 Q. Are the shares of L.A. By-Products publicly
21 traded?

22 A. No.

23 Q. Other than yourself how many other
24 shareholders are there?

25 A. I don't know.

1 Q. Who would know?

2 A. Just offhand or being able to look at a
3 document?

4 Q. Well, let's ask it this way. If you needed to
5 find that out how would you go about doing so?

6 A. I'd look at our documents.

7 Q. Those would be your corporate documents?

8 A. That's right.

9 Q. Stock certificates, things like that?

10 A. That's correct.

11 Q. All right.

12 Would you expect that the current secretary of
13 the corporation would know the answer as to who the
14 shareholders are?

15 MS. SOKOLSKY: Without looking or off the top of
16 their head or --

17 THE WITNESS: If it's off the top of the head, no.

18 BY MR. BORCHERT: Q. Who is the current secretary
19 of the corporation?

20 A. Claude VanGorden.

21 Q. Do members of the VanGorden family other than
22 Claude work for L.A. By-Products?

23 A. Yes.

24 Q. Who else?

25 A. His son Scott.

1 Q. Anybody else?

2 A. Maybe you better define "family."

3 Q. Sure. Fair enough. I was speaking of
4 husband -- well, actually would be a wife in
5 Mr. VanGorden's case, children or parents.

6 A. No.

7 Q. Okay.

8 In the past has anybody from your family --
9 father, uncle, next generation up, in other words -- worked
10 for L.A. By-Products?

11 I guess that's sexist. I should include
12 mother and aunts too.

13 A. I don't understand your question.

14 Q. Okay.

15 Has your grandfather, your grandmother, or
16 any of your aunts or uncles ever worked for
17 L.A. By-Products?

18 A. My grandfather who?

19 Q. I'm sorry. Your father, your mother, or any
20 of your aunts or uncles?

21 A. I still don't understand the question.

22 Q. Has your father ever worked for
23 L.A. By-Products?

24 A. I don't understand.

25 MS. SOKOLSKY: Let's go off the record for a

1 moment.

2 (Attorney-client conference outside the
3 deposition proceedings.)

4 THE WITNESS: The answer to your question is no.

5 BY MR. BORCHERT: Q. Have any of your uncles or
6 aunts worked for L.A. By-Products?

7 A. No.

8 Q. Mr. McAllister, have you -- are you familiar
9 with the former Tuxford landfill?

10 A. Yes.

11 Q. Do you know where that property is located?

12 A. Approximately.

13 Q. During any of the times that you worked for
14 L.A. By-Products did you ever visit that property when it
15 was an operating landfill?

16 A. No.

17 Q. Since the time the Tuxford property stopped
18 operating as a landfill have you visited that property?

19 A. Yes.

20 Q. What was the purpose for visiting the
21 property?

22 MR. MONTES: Excuse me. Objection;
23 vague, ambiguous.

24 MS. SOKOLSKY: Overbroad.

25 BY MR. BORCHERT: Q. Can you answer the question,

1 sir?

2 MR. MONTES: No, I would ask you to clarify your
3 question.

4 MR. BORCHERT: You're instructing him not to answer?

5 MR. MONTES: I would ask you to clarify your
6 question.

7 MS. SOKOLSKY: I don't think you can answer. Can
8 you answer that question?

9 THE WITNESS: No.

10 BY MR. BORCHERT: Q. After the Tuxford landfill
11 stopped operating as a landfill have you ever visited the
12 property where the landfill was located?

13 A. Yes.

14 Q. Why were you visiting the property?

15 MR. MONTES: Again, the same objection. You're
16 talking about possibly thousands of times that he's visited
17 the property.

18 MR. BORCHERT: Well, he can testify to that. I
19 don't need that from his attorney. I asked him why he
20 visited the property.

21 MS. SOKOLSKY: It's overbroad.

22 MR. MONTES: But on which occasion? Tell us what
23 you're trying to --

24 MS. SOKOLSKY: What year?

25 MR. MONTES: Make your question a little more

1 intelligible so he can respond to it.

2 MR. BORCHERT: I think the question is completely
3 intelligible.

4 Q. How many times have you been to the Tuxford
5 property, sir?

6 A. I don't know.

7 Q. Has it been thousands of times, sir?

8 A. No.

9 Q. Has it been once?

10 A. Including once, sure.

11 Q. So you've been there at least once?

12 A. At least once.

13 Q. Do you have any range, any estimate that's not
14 speculation, as to how many times you've been to the
15 property?

16 A. No. It would be an estimate.

17 Q. And an estimate is fair as long as you're not
18 speculating.

19 A. I'd be speculating.

20 Q. Okay.

21 On any of the occasions you visited the
22 property can you recall the reason why you went there?

23 A. Gain admissions --

24 (Attorney-client conference.)

25 THE WITNESS: No.

1 (Attorney-client conference.)

2 THE WITNESS: Ask me again.

3 BY MR. BORCHERT: Q. On any of the occasions when
4 you went to the Tuxford property can you recall why you
5 went there?

6 A. Yes.

7 Q. What was that reason or reasons?

8 A. Well, one reason I can remember was to gain
9 access for a technical -- geological technical engineers.

10 Q. And was that the Law/Crandall?

11 A. Yes.

12 Q. Did you meet with anybody at that property
13 when you were attempting to gain access?

14 A. Did I meet with anybody?

15 Q. Yeah.

16 A. Yes.

17 Q. Who did you meet with?

18 A. Law/Crandall.

19 Q. Did you talk to anybody who was working at
20 that property?

21 A. Yeah, because I had to ask somebody to allow
22 us on the property. I have no idea who it was.

23 Q. That was going to be my next question.

24 MS. SOKOLSKY: Wait for the question.

25 BY MR. BORCHERT: Q. Other than that occasion, can

1 you recall any other times you went to the Tuxford
2 property?

3 A. No.

4 Q. Mr. McAllister, are you familiar with any
5 contact between L.A. By-Products and California Car Hikers
6 Service?

7 MS. SOKOLSKY: Any contacts?

8 MR. BORCHERT: Yes.

9 MS. SOKOLSKY: Excuse me. That's overbroad. Some
10 of it may be relevant to this litigation, protected by
11 attorney-client privilege. Can we give him a year or some
12 focus or --

13 MR. BORCHERT: Well, I fail to see how any of it
14 could be attorney-client privilege. But let's try this.

15 Q. Mr. McAllister, are you aware of any
16 correspondence between L.A. By-Products and California
17 Car Hikers Service, Inc. which isn't part of this
18 litigation?

19 MS. SOKOLSKY: Same objection.

20 MR. MONTES: Same objection.

21 Overbroad. Includes attorney-client -- may
22 include attorney-client privileged material.

23 MS. SOKOLSKY: And also -- I mean, are you speaking
24 about the inception of the lease between California
25 Car Hikers and L.A. By-Products? It's obviously been a

1 long relationship of perhaps 30 years. I think he's
2 entitled to have --

3 MR. HOFFMAN: I doubt that.

4 MS. SOKOLSKY: He's entitled to have some -- well,
5 it's been at least --

6 MR. HOFFMAN: With California Car Hikers?

7 MS. SOKOLSKY: Well, California Car Hikers took over
8 the property in, what, 1960? '62? I think he's entitled
9 to have the question narrowed to what particular point in
10 time you're speaking of.

11 BY MR. BORCHERT: Q. Let's start with 1962. Are
12 you aware of any correspondence between L.A. By-Products
13 and California Car Hikers in 1962?

14 A. No.

15 Q. How about between 1963 and 1970?

16 A. No.

17 Q. So you're not familiar with any correspondence
18 during that period of time?

19 (Attorney-client conference.)

20 THE WITNESS: I don't remember.

21 BY MR. BORCHERT: Q. 1970 to 1975, are you aware of
22 any correspondence between California Car Hikers
23 Service, Inc. and L.A. By-Products?

24 A. I don't remember.

25 Q. Do you remember any specific correspondence

1 between California Car Hikers Service and L.A. By-Products?

2 A. I've got to ask you guys off the record.

3 MS. SOKOLSKY: Let's go outside.

4 (Attorney-client conference outside the
5 deposition proceedings.)

6 MS. SOKOLSKY: The witness needs a clarification.

7 THE WITNESS: Does California Car Hikers include the
8 name Sam Adlen?

9 BY MR. BORCHERT: Q. Sure does.

10 A. Okay. Then yes.

11 Q. And what correspondence do you recall having
12 with Mr. Adlen?

13 A. I'm not sure if it was Mr. Adlen or one of his
14 attorneys. And that was a notice to perform a SWAT on
15 Tuxford.

16 Q. Did L.A. By-Products perform a SWAT for the
17 Tuxford property?

18 A. No.

19 Q. Did L.A. By-Products arrange for somebody else
20 to conduct a SWAT?

21 A. Yes.

22 Q. And that was Law/Crandall?

23 A. That is correct.

24 Q. How did L.A. By-Products select Law/Crandall
25 to do that SWAT?

1 A. They performed other SWATs for us.

2 Q. Do you know how many they had done prior to
3 the time -- for L.A. By-Products prior to the time they did
4 the one at the Tuxford site?

5 A. I need a clarification.

6 Q. In what?

7 A. I don't understand your question.

8 Q. Okay. Let me try to repeat it for you.

9 How many other SWATs had Law/Crandall done for
10 L.A. By-Products before they did the SWAT for the Tuxford
11 property?

12 A. The dates I'm not sure, so I can't answer
13 that.

14 Q. But do you know for sure that they had done
15 at least one SWAT for By-Products before they did the
16 Tuxford SWAT?

17 A. You're going to have to be more specific on
18 the question. I can't answer it the way that you're
19 asking.

20 (Attorney-client conference outside the
21 deposition proceedings.)

22 THE WITNESS: I don't know when they were
23 completed.

24 BY MR. BORCHERT: Q. How was Law/Crandall selected
25 to do the earlier SWATs before Tuxford?

1 A. We had used their services on other general
2 items.

3 Q. Do you know if anybody at L.A. By-Products
4 undertook any sort of review or search concerning
5 Law/Crandall's qualifications to conduct SWATs?

6 A. No.

7 MS. SOKOLSKY: You don't know or --

8 THE WITNESS: I don't know. I don't know.

9 BY MR. BORCHERT: Q. Was there any competitive
10 bidding between Law/Crandall and any other geological
11 technical firm before they did their first SWAT for
12 L.A. By-Products?

13 A. I believe so.

14 Q. Some sort of request for proposal issued by
15 L.A. By-Products to a number of geotechnical firms?

16 A. Yes.

17 Q. Do you know if L.A. By-Products still has that
18 request for proposal in its records?

19 A. For what site?

20 Q. Well, for the first -- first one that
21 Law/Crandall did.

22 A. I don't know.

23 Q. Has anybody other than Law/Crandall done SWATs
24 for L.A. By-Products?

25 A. No.

1 Wait. Do I -- I need a clarification.

2 MS. SOKOLSKY: Sure.

3 (Attorney-client conference outside the
4 deposition proceedings.)

5 MS. SOKOLSKY: We're going to allow a little
6 narrative on the selection of Law/Crandall because I think
7 it's the way you'll get the information.

8 THE WITNESS: A SWAT is not a document that you just
9 go in and say, here it is. There's two steps to it.
10 There's a proposal to do a SWAT. That takes in a
11 selection. Okay. That portion of it. That's the very
12 first portion of it.

13 We received several quotations from other
14 geotechnical companies. One of the main reasons that we
15 picked Law/Crandall was because of Glenn Brown. He had a
16 very, very good reputation. As a matter of fact, I think
17 his engineering number is number 1 or number 3. It's a
18 very, very low number. May not be number 1, it may be
19 number 3. Anyway, it's a single digit number.

20 He was -- came very highly recommended by
21 people that we had associated with.

22 BY MR. BORCHERT: Q. Is L.A. By-Products currently
23 doing any -- well, let me rephrase that.

24 Are you familiar with any of the SWAT reports
25 that were prepared by Law/Crandall for the Tuxford

1 property?

2 MS. SOKOLSKY: Can you ask him by specific
3 landfill.

4 MR. HOFFMAN: He did.

5 MR. BORCHERT: I thought I did, about Tuxford.

6 Q. Have you ever read any of the documents
7 produced by Law/Crandall about the Tuxford facility?

8 A. Yes.

9 Q. I take it as you sit here you can't recall
10 which ones?

11 A. (Witness shakes head.)

12 Q. You have to speak audibly, sir.

13 A. No.

14 Q. Thank you.

15 Are you aware of any pending work that is
16 being done on behalf of L.A. By-Products to report to any
17 government agency concerning the Tuxford property?

18 A. That was handed over to the attorneys. There
19 was an evaluation monitoring program. The status, I don't
20 know.

21 Q. When you say "turned over to the attorneys,"
22 those are attorneys for L.A. By-Products?

23 A. That's correct.

24 Q. Is that either Mr. Montes or Ms. Sokolsky?

25 A. They would be involved. Mr. Montes would be

1 involved, only because it's a firm.

2 Q. Are you aware of whether or not
3 L.A. By-Products -- let's back up.

4 Are you aware that the water well at the
5 Tuxford property was sampled in the fall of 1995?

6 A. Be more specific. I don't understand your
7 question.

8 Q. Are you aware that a contractor for the
9 United States government took a groundwater sample from the
10 Tuxford property in the fall of 1995?

11 A. From where?

12 Q. From the Tuxford property.

13 A. Just be hearsay. I don't know.

14 Q. Okay.

15 Did L.A. By-Products have any groundwater
16 samples from the Tuxford property analyzed in the fall of
17 1995?

18 MR. MONTES: Objection, work product.

19 Don't answer the question.

20 BY MR. BORCHERT: Q. Do you know if the results of
21 any testing at Tuxford were given to any governmental
22 agency -- the testing in the fall of 1995?

23 Let me clarify the question. I was only
24 talking about the fall of 1995, not the earlier SWAT
25 reports, if any results from that were turned over to any

1 government agency.

2 MS. SOKOLSKY: Let's go outside.

3 THE WITNESS: Yeah, thanks.

4 (Attorney-client conference outside the
5 deposition proceedings.)

6 THE WITNESS: I had heard that the government did
7 take a sample. And I also heard that the one well was
8 extremely -- had an extreme low groundwater at that time.
9 Much lower than when we took the SWAT.

10 MS. SOKOLSKY: Would you be referring to the level
11 of TCE in the groundwater when you said, "low groundwater"?

12 THE WITNESS: No, just the water. Nothing about
13 the TCE.

14 BY MR. BORCHERT: Q. My question, sir, was whether
15 whoever took a sample for L.A. By-Products had ever had
16 that analyzed and then turned over to the government.

17 A. I don't know.

18 You're referring to the fall of 1995?

19 Q. Yes.

20 A. I don't know.

21 Q. Does L.A. By-Products currently operate any
22 landfills?

23 (Attorney-client conference outside the
24 deposition proceedings.)

25 MS. SOKOLSKY: The witness would like to add --

1 THE WITNESS: Yeah. We did not hire -- it was our
2 attorneys that hired geotechnical people to take a sample.
3 That was not L.A. By-Products. Okay?

4 BY MR. BORCHERT: Q. Okay.

5 A. All right.

6 Q. My question is whether or not you know whether
7 or not any of the results from that sample were turned over
8 to any government agency.

9 A. From the people that represented our
10 attorneys? I don't know whether they turned that over or
11 not. I don't know.

12 Q. Okay. That was my question.

13 Does L.A. By-Products currently operate any
14 landfills?

15 A. Yes.

16 Q. How many?

17 A. One.

18 Q. Which one is that?

19 A. Strathern.

20 Q. Other than the operation of the Strathern
21 landfill, does L.A. By-Products have any other business
22 operations?

23 A. Yes.

24 Q. What are those?

25 A. We own and rent out some truck docks and a

1 couple of warehouses.

2 Q. Are the truck docks at the warehouses?

3 A. Some are.

4 Q. You say the company owns and operates truck
5 docks, what does that entail?

6 A. Renting, leasing them to others.

7 Q. Are any of those locations in the
8 San Fernando Valley?

9 A. No.

10 Q. How about the warehouses?

11 A. No.

12 Q. Does L.A. By-Products have any departments or
13 divisions by which its business is divided up?

14 A. Clarify that. I don't understand.

15 Q. Sure. Is the Strathern landfill operation
16 managed separately from the loading docks and the
17 warehouses?

18 A. You still have to be more specific.

19 Q. What is the problem you're having with my
20 questioning?

21 (Attorney-client conference.)

22 THE WITNESS: Oh, no.

23 BY MR. BORCHERT: Q. Approximately how many
24 employees does L.A. By-Products currently have?

25 A. Ten.

1 Q. In the past has L.A. By-Products operated
2 other landfills?

3 A. Yes.

4 Q. And you're familiar with the Penrose landfill?

5 A. Yes.

6 Q. And that was operated by L.A. By-Products?

7 A. Yes.

8 Q. How about Newberry, are you familiar with
9 that?

10 A. I know about Newberry. I wouldn't say I'm
11 familiar, but --

12 Q. Okay. Did L.A. By-Products operate the
13 Newberry landfill?

14 A. Yeah.

15 Q. We've talked about Strathern. Did
16 L.A. By-Products ever operate the Hewitt landfill?

17 A. Yes.

18 Q. How about the Sheldon-Arleta landfill?

19 A. No.

20 Q. Are you familiar with the Bradley landfill?

21 A. Familiar, no. I know about it.

22 Q. Okay.

23 Did L.A. By-Products ever operate that
24 landfill?

25 A. No.

1 Q. Did L.A. By-Products ever operate the
2 Gregg Pit?

3 A. I don't know.

4 Q. Are you familiar with the Gregg pit?

5 A. No.

6 Q. Other than Tuxford, Penrose, Newberry,
7 Strathern, and Hewitt, are you aware of any other landfills
8 that L.A. By-Products operated in the San Fernando Valley?

9 A. Yes.

10 Q. What landfills or landfill is that?

11 A. Victory Vineland, it was referred to.

12 Q. Victory Vine?

13 A. Vineland.

14 Q. Vineland?

15 A. I believe so.

16 Q. How about -- that's all the ones you recall
17 in the San Fernando Valley?

18 A. Yes.

19 Q. How about outside the San Fernando Valley?

20 MS. SOKOLSKY: I'm going to object that it's
21 irrelevant and it's outside the scope of this litigation.
22 If you want to go ahead and try to remember --

23 THE WITNESS: It would be a lot of guessing. It
24 goes way back.

25 BY MR. BORCHERT: Q. How far back?

1 A. Way before my time.

2 Q. Okay.

3 Well, who before your time would know about
4 those operations, the operation of other landfills, other
5 than the five you've talked about here?

6 MS. SOKOLSKY: I'm also going to object on the same
7 grounds as irrelevant, poses an undue burden.

8 If you know.

9 You're talking about landfills outside the
10 San Fernando Valley?

11 MR. BORCHERT: Not necessarily, just any outside the
12 five we've already talked about. That's Penrose, Newberry,
13 Strathern, Hewitt, and Tuxford.

14 MR. MONTES: I'm going to object on the basis of
15 relevancy. And I'll instruct the witness not to answer
16 that question.

17 MR. BORCHERT: Well, it's highly relevant because
18 we're trying to go back and determine who was running
19 By-Products and what they knew back in 1960s. So I'm
20 trying to find out what other operations they had
21 historically, who might know about those operations.

22 MR. MONTES: Well, then why don't you ask those
23 questions.

24 MS. SOKOLSKY: You can ask him who was running
25 By-Products in 1960.

1 MR. BORCHERT: That's something I'll ask him too.

2 MR. MONTES: But asking him questions about other
3 operations that have no relevance to the Tuxford, Penrose
4 landfills is outside of the scope.

5 MR. BORCHERT: I disagree, because I think it can
6 lead to admissible evidence.

7 MR. MONTES: Well, I think you can ask those
8 questions. You can obtain that information through
9 properly phrased questions related to the landfills of
10 Tuxford and Penrose, not to any other operations or
11 landfills that may be located outside.

12 MR. BORCHERT: We'll have to take that one up with
13 the judge, I guess.

14 MR. HOFFMAN: We have the advantage of having him
15 here at 1:30 today, so these issues can be resolved
16 relatively promptly.

17 MS. SOKOLSKY: I don't know about promptly, but
18 probably can be resolved.

19 MR. HOFFMAN: It's up to him, isn't it?

20 BY MR. BORCHERT: Q. Mr. McAllister, who at
21 L.A. By-Products would have been the most knowledgeable
22 person about the operation of the Tuxford site? And I'm
23 speaking historically, including people that don't work at
24 L.A. By-Products anymore.

25 MR. MONTES: And who are deceased?

1 MR. BORCHERT: I'd include that too.

2 THE WITNESS: Carl Sexton and Clarence Gregg and
3 Hiram Johnson.

4 BY MR. BORCHERT: Q. Sorry, who was the last one?

5 A. Hiram Johnson.

6 Q. And why would you list Carl Sexton as being a
7 person who would know something about the Tuxford landfill?

8 A. He's a past president.

9 Q. Is he still alive?

10 A. No.

11 Q. When did he die?

12 A. I'd be guessing.

13 Q. Can you pick a decade?

14 A. Let's see.

15 MS. SOKOLSKY: If you know approximately.

16 THE WITNESS: Maybe eight years. That's
17 approximate. Could have been between eight and ten.

18 BY MR. BORCHERT: Q. How about Clarence Gregg, is
19 he still living?

20 A. Pardon me. I'm sorry. I was still trying
21 to --

22 Q. Is Mr. Clarence Gregg still living?

23 A. No.

24 MR. GLAZER: Excuse me, I didn't hear that answer.

25 THE WITNESS: No.

1 BY MR. BORCHERT: Q. How about Hiram Johnson?

2 A. No.

3 Q. Is there anyone who is still alive who would
4 know about the operation of the Tuxford pit?

5 A. Possibly.

6 Q. Who is that?

7 A. John Mitchell.

8 Q. And why do you think he possibly may know
9 about the operation of the Tuxford pit?

10 A. He worked there prior to -- well, probably in
11 about the same time. I believe he was an employee there.

12 Q. I'm sorry, I didn't hear the end --

13 A. He was an employee there I think during some
14 of the time of the Tuxford operations. I am not sure of
15 the exact dates anymore.

16 Q. Are you aware of any other individuals who
17 worked for L.A. By-Products prior to 1961?

18 MS. SOKOLSKY: That are alive?

19 BY MR. BORCHERT: Q. Sure. Let's stick with the
20 live ones for a moment.

21 MR. MONTES: Could you repeat that question.

22 (The record was read.)

23 MR. MONTES: That are alive.

24 MS. SOKOLSKY: And familiar with Tuxford? Or just
25 worked --

1 BY MR. BORCHERT: Q. Just worked there at
2 L.A. By-Products.

3 A. Yes.

4 Q. Who would that be?

5 A. Be Ron Steiner, and I think
6 Claude VanGorden -- what was the date again?

7 Q. 1961.

8 A. I think I have to add Dick Salisbury. I'm not
9 sure when he came.

10 Q. And Claude VanGorden is a gentleman you
11 mentioned earlier who was or is the current secretary?

12 A. Uh-huh.

13 Q. Did Mr. VanGorden ever hold any other office
14 at L.A. By-Products other than secretary?

15 A. Yes.

16 Q. What offices has he held?

17 A. President.

18 Q. And when was he president?

19 A. From last year probably back about seven
20 years. I'm not sure exactly.

21 Q. Prior to Mr. VanGorden being president who was
22 president at L.A. By-Products?

23 A. Dick Salisbury.

24 Q. How long did he hold the office?

25 A. I don't know.

1 Q. How about before him?

2 A. Carl Sexton.

3 Q. Do you know the years he was president?

4 A. No.

5 Q. Who was president before Salisbury?

6 MR. MONTES: Asked and answered.

7 MS. SOKOLSKY: Carl Sexton.

8 BY MR. BORCHERT: Q. Oh, I'm sorry. Okay. Who was
9 before Sexton?

10 A. I believe it was Hiram Johnson, I believe.
11 I'm really guessing.

12 Q. Mr. McAllister, have you ever made any attempt
13 to identify who the person is that is most knowledge about
14 the operation of the Tuxford property?

15 A. Huh-uh.

16 Q. Okay.

17 MS. SOKOLSKY: Outside the attorney-client
18 privilege, because we've had discussions on this subject,
19 but those are privileged.

20 MR. BORCHERT: Well, first, I'm not sure they are.

21 Q. But sure let's limit it to outside any
22 discussions with lawyers.

23 A. No.

24 Q. Okay.

25 How much time did you spend preparing for your

1 deposition today, sir?

2 A. None.

3 Q. When were you first told you would be
4 appearing here today?

5 A. Well, I was told on Friday that I would be
6 here.

7 Q. Friday afternoon?

8 A. Friday afternoon -- or was it Thursday? There
9 seemed to be some question whether I was going to be here.
10 Now, wait a minute. I guess it went back before then. But
11 there was a big question whether or not I would be here or
12 not. So the actual --

13 (Attorney-client conference.)

14 MS. SOKOLSKY: You want the original date that he
15 knew? I don't mind sharing that we told him the date
16 might move.

17 MR. BORCHERT: Okay.

18 MS. SOKOLSKY: So he originally knew prior to
19 Friday, but we had given him some hope that the date would
20 move.

21 THE WITNESS: And then there was discussion as to
22 whether I would be the right person -- if I really had
23 enough knowledge.

24 BY MR. BORCHERT: Q. Do you think you are the
25 appropriate person to be here?

1 A. I don't know.

2 MS. SOKOLSKY: The problem is he might be the only
3 alive employee.

4 MR. BORCHERT: The only alive --

5 MR. HOFFMAN: Yeah. Claude VanGorden was an alive
6 employee.

7 MS. SOKOLSKY: He's not an employee. Is he?

8 MR. HOFFMAN: He's currently a secretary.

9 THE WITNESS: Yes, he is. He's secretary. Retired
10 but --

11 MR. HOFFMAN: He's a corporate officer.

12 THE WITNESS: He holds the office. That's right.

13 MS. SOKOLSKY: Can we go off the record for a
14 minute.

15 (Brief recess.)

16 THE WITNESS: I need to go back on Dick Salisbury's
17 date of hire. It could have been as late as '62, '61. And
18 I think I said '60, didn't I?

19 BY MR. BORCHERT: Q. I think my question was '61,
20 but I'm glad for the clarification.

21 A. Well, I'm still not sure. I just remember
22 seeing him -- I believe it was 1961.

23 MS. SOKOLSKY: Did you want to clarify
24 Claude VanGorden or --

25 THE WITNESS: On the date of hire? I don't know.

1 I can say this on Mr. VanGorden, he would
2 probably be the only one that would be knowledgeable, to my
3 understanding, on something like this. He may have been
4 here working for the company toward the real last part of
5 Tuxford. I think they wanted him to be in my place but he
6 wasn't available.

7 BY MR. BORCHERT: Q. Does Mr. VanGorden live
8 locally?

9 A. Yeah. Yes.

10 MS. SOKOLSKY: Well, he divides his time between two
11 places; one is local, one is not.

12 THE WITNESS: One is long distance.

13 BY MR. BORCHERT: Q. Where is that?

14 A. Idaho.

15 Q. Do you know where he is today?

16 A. No.

17 Q. Other than being the corporate secretary, does
18 Mr. VanGorden do anything else for L.A. By-Products
19 presently?

20 A. Yes, he's a member of the board of directors.

21 Q. I think you mentioned earlier he's retired?

22 A. Yes, you can say that. He holds the office
23 but basically he's retired.

24 Q. Are you aware of whether or not
25 L.A. By-Products has any records of who its employees were

1 prior to 1961?

2 A. Yes.

3 Q. Do they have any such records?

4 A. Yeah.

5 Q. What sort of records does L.A. By-Products
6 have of its employees prior to 1961?

7 A. Generally speaking, normally we keep their
8 application form for employment and their termination card.
9 They're filed in alphabetical order.

10 Q. So those would be the employee personnel
11 files?

12 A. What's left of them. Files change over years.

13 Q. Other than the employment application and the
14 termination card, would any other types of documents be
15 kept in those files, such as tax documents, W-2 forms?

16 A. No.

17 Q. There's no tax documents in there?

18 A. There would be for very, very recent
19 employees, but not for the older ones.

20 Q. Do you know what happened to any wage or tax
21 records that were kept for employees before 1961?

22 A. No, not really. I'd be guessing.

23 Q. We don't want you to guess, only if you've got
24 some reason or understanding. And you don't?

25 A. No.

1 Q. Are you aware of any customer lists that have
2 been compiled by L.A. By-Products prior to 1970?

3 MS. SOKOLSKY: Can you clarify what landfill or --

4 BY MR. BORCHERT: Q. Well, actually I was asking
5 about any landfill.

6 A. Landfill?

7 Q. Any landfill, yeah.

8 A. Prior to 1970?

9 Q. Yes.

10 A. Possibly.

11 Q. Does L.A. By-Products keep a, quote, customer
12 list for its landfills?

13 MS. SOKOLSKY: Presently or --

14 BY MR. BORCHERT: Q. At any time.

15 MS. SOKOLSKY: Throughout?

16 THE WITNESS: That's too vague. You'll have to be
17 more specific.

18 BY MR. BORCHERT: Q. What is it about the question
19 that you don't understand? Is it the term "customer list"?

20 A. Well, period of time.

21 Q. Period of time?

22 A. Period of time.

23 Q. Let's talk about right now. Does
24 L.A. By-Products currently have customer lists or a
25 customer list?

1 A. For?

2 Q. For any landfill?

3 A. Yes.

4 Q. And that's for the Strathern landfill?

5 A. That's correct.

6 Q. What is the oldest customer list you're aware
7 of ever having seen for L.A. By-Products?

8 A. Right off the top of my mind it would have to
9 be for the Penrose -- it would have to be on some of the
10 old ledgers. Whether they're still in existence or not, I
11 don't know.

12 Q. And the ledgers you refer to, those are
13 customer accounts?

14 A. Yes.

15 Q. Okay.

16 Talking about just Penrose, was it ever opened
17 to the general public?

18 A. Yes.

19 Q. Do you know if Tuxford ever was?

20 A. It would just be hearsay.

21 Q. Let me tell you, I am entitled to know
22 hearsay. If somebody has told you something, you can
23 relate that to me.

24 A. I've heard, yes.

25 Q. At the same time, we don't want you to

1 speculate.

2 A. I have heard that it was open to the public,
3 yes.

4 Q. Who did you hear that from?

5 A. I have no idea.

6 Q. Now, the customers who appear either on your
7 customer lists or your ledgers, are those generally
8 waste-hauling companies?

9 A. No.

10 Q. They might include other trash disposers, I
11 guess what --

12 A. That's the same question.

13 Q. No, it's not. But let me try to rephrase it.

14 (Attorney-client conference.)

15 THE WITNESS: The types of customers --

16 (Attorney-client conference.)

17 MR. HOFFMAN: When you have two lawyers advising you
18 it takes twice as long.

19 BY MR. BORCHERT: Q. Let's stick with Penrose.
20 Other than waste-haulers, what other kind of customers did
21 Penrose have?

22 A. Demolition, construction.

23 Q. For the Penrose site did any of the customers
24 provide residential trash disposal services?

25 A. You have to be more specific.

1 Q. What is unclear about that question?

2 A. In the City of Los Angeles it's picked up by
3 the City of Los Angeles in residential areas. That goes in
4 the City's landfills.

5 Q. Okay.

6 That is sort of what I'm getting at. Were the
7 waste-haulers for Penrose bringing in commercial or
8 industrial waste?

9 A. Well, be specific on what type you're getting
10 to here. When you say those words, those are very, very
11 broad.

12 Q. Well, I'm just trying to get a yes-or-no
13 answer.

14 A. I can't give you one.

15 Q. And then we can get more specific.

16 A. I don't know.

17 Q. You don't know if any commercial trash was
18 brought in?

19 A. I don't know what you mean by "commercial."

20 Q. How about nonresidential?

21 A. Yes.

22 Q. Do you know of any of the sources of trash
23 that the waste-haulers brought into Penrose?

24 A. The sources?

25 Q. Yeah.

1 A. That's really vague.

2 (Attorney-client conference outside the
3 deposition proceedings.)

4 MS. SOKOLSKY: This is going to have to permit him a
5 little narrative.

6 THE WITNESS: Okay. The refuse that came in was
7 generated by your demolition and your construction
8 contractors, when they demolished a house. Absolutely no
9 liquids were allowed. There's signs out there prohibiting
10 that. So it's solid. In most cases that type was also
11 inert.

12 BY MR. BORCHERT: Q. Sorry, had you finished?
13 What would you define as being inert trash?

14 A. I wouldn't include trash -- refuse that will
15 not decompose.

16 Q. So is wood considered inert?

17 A. No.

18 Q. No, it's not?

19 A. That is -- oh, I'm sorry. That is a
20 decomposable product.

21 Q. Okay.

22 So anything organic -- grass clippings,
23 anything like that -- would be considered --

24 A. That's decomposable.

25 Q. Decomposable. Okay.

1 A. Yes.

2 Q. And was that because of -- that -- let me
3 rephrase.

4 Was the limitation to inert refuse --

5 A. No, that was not a limitation to only inert.
6 I said that was a majority that came in.

7 Q. Okay.

8 A. We received -- we received both types. You
9 asked the majority, I believe.

10 Q. Let's try and clarify that.

11 Was the Penrose landfill authorized by
12 whatever government agency regulated it to accept both
13 inert -- what's the opposite of inert trash -- "ert"
14 trash? I don't know.

15 A. Decomposable.

16 Q. Decomposable.

17 MR. HOFFMAN: Organic.

18 THE WITNESS: Yes, but not liquids.

19 BY MR. BORCHERT: Q. Gottcha.

20 A. Just to clarify it, let me go one step
21 further. It's a Class II-2 -- that's a Roman numeral II,
22 Arabic 2.

23 Q. Are you familiar with the classification
24 systems for landfills in Southern California?

25 A. Be more specific.

1 Q. Okay.

2 You noted that Penrose was a Class II-2. Are
3 you familiar with the other classifications of landfills?

4 MR. MONTES: Presently?

5 BY MR. BORCHERT: Q. Presently.

6 A. Yes.

7 Q. And who, meaning what governmental agency or
8 legislation or whatever, defines the classes of landfills
9 currently?

10 A. The State of California. From that point on I
11 believe -- I'm sort of guessing here -- it's the Integrated
12 Waste Management Board. I think they were the ones that
13 set up the new classification system.

14 Q. And you refer to the "new classification
15 system." New since when?

16 A. I don't know the year that they put that in.

17 Q. Do you know what class landfill Tuxford was?

18 A. When?

19 Q. When it was operating.

20 A. No.

21 Q. Was there a different system of classification
22 in existence prior to 1961?

23 A. I don't know.

24 Q. You talked earlier about Penrose having
25 received refuge from demolition and construction companies.

1 Did they receive refuse from any other sources?

2 A. Who?

3 Q. Penrose.

4 A. Yeah.

5 Q. Which other sources?

6 A. Can you narrow it down?

7 Q. Actually I'm asking you to.

8 A. Well, they received it from -- we received
9 some from institutions, colleges, possibly some from
10 apartments. We received refuse from sources that could not
11 dispose of that type of refuse at the city-owned -- it was
12 not picked up by the City, it was picked up by private
13 firms.

14 Q. For Tuxford do you know any of the sources of
15 the refuse that came in there?

16 A. No.

17 I was just thinking. I do know the
18 clarification --

19 (Attorney-client conference outside the
20 deposition proceedings.)

21 MS. SOKOLSKY: It's going to call for a short
22 narrative.

23 THE WITNESS: Yeah. I don't know the customers, but
24 the type of material that was received would have been a
25 lot of ashes. In those days they did source separation.

1 The homeowners burned off anything that they -- they could.
2 The items that they could not burn, such as your tin cans,
3 your bottles, metals, white goods and so on, were collected
4 by the City of Los Angeles and they were brought down to
5 your main plant in Vernon, and we separated that.

6 The ashes from your back yard incinerators
7 would eventually end up either in city-owned landfills or
8 at a place like Tuxford.

9 MR. BORCHERT: How things change and how they stay
10 the same. We actually had recycling back then.

11 MS. SOKOLSKY: That was interesting to me too.

12 THE WITNESS: I could talk two hours on that one.

13 MR. BORCHERT: Don't tempt us.

14 MS. SOKOLSKY: Yeah, you shouldn't have said that.

15 MR. HOFFMAN: We'll get the chance later.

16 BY MR. BORCHERT: Q. When you were working as a
17 laborer when you first started with By-Products, were you
18 working separating the trash?

19 A. You're going to have to be more specific than
20 that.

21 Q. Why don't you tell me what you were doing as a
22 laborer.

23 A. I worked down at the main plant. I did
24 separation of glass as it came out of the conveyors. I
25 swept the yard. I did a lot of separation of the heavy,

1 heavy metals. When I say "heavy," that's -- let me make
2 sure that you understand -- weight.

3 Q. I assumed it wasn't nuclear material. But
4 thank you for the clarification.

5 MR. HOFFMAN: His head is still glowing from all of
6 the atomic materials he was separating.

7 BY MR. BORCHERT: Q. Has L.A. By-Products retained
8 copies of its contract with its various customers?

9 A. Be more specific.

10 Q. Well, if you were to go try and find out if
11 somebody was ever a customer of L.A. By-Products in the
12 past, is there a particular place you would go to?

13 A. I could attempt -- I am really not clear on
14 your question.

15 Q. Sure.

16 A. Sorry.

17 Q. Does L.A. By-Products have a file room?

18 A. A file room?

19 Q. Yes.

20 A. Yes.

21 Q. What sorts of documents are kept in that file
22 room?

23 A. Correspondence, bills, mostly to the -- about
24 five years ago. We have some other records too.

25 Q. Does L.A. By-Products have a document or

1 document retention policy?

2 A. Policy, no.

3 Q. Is it the practice of L.A. By-Products to
4 destroy any of its records?

5 A. Yes, those that the accountant says it's all
6 right to destroy.

7 Q. And is that an in-house or an outside
8 accountant?

9 A. Outside accountant.

10 Q. And who is that currently?

11 A. R. James Church.

12 Q. Do you know if anybody has reviewed the
13 records in that file room concerning the current lawsuit?

14 MR. MONTES: Objection; overbroad, includes attorney
15 work product and attorney-client privileges. Unless you
16 want to specify -- make it more specific, I'll instruct him
17 not to answer.

18 MR. BORCHERT: Let's leave it at that.

19 Q. Mr. McAllister, have you ever been involved in
20 the closure of a landfill?

21 A. Yes.

22 Q. Which landfill or landfills?

23 A. Penrose.

24 Q. And is that currently ongoing?

25 A. Be more specific.

1 Q. Okay.

2 Is there some point in time in which closure
3 of a landfill is finalized?

4 A. Which agency?

5 Q. I don't know. How many agencies are you
6 dealing with?

7 MS. SOKOLSKY: I think a narrative on this topic
8 would be appropriate.

9 (Attorney-client conference outside the
10 deposition proceedings.)

11 MS. SOKOLSKY: The witness is going to provide you
12 with a short narrative on closure.

13 BY MR. BORCHERT: Q. Good.

14 A. Closure is very complicated, and it depends on
15 which agencies are looking at closure. The State of
16 California Integrated Waste Management has very specific
17 requirements. Regional Water Quality Control Board, still
18 the State of California, they worry about other things.
19 City of Los Angeles has a little bit different definition
20 of closure. We have a letter in our files stating that it
21 is closed in accordance with the Integrated Waste
22 Management Board. We've put on our -- the different types
23 of earth that were required for that.

24 Q. Okay.

25 Do you have any document from the

1 Regional Water Quality Control Board that indicates that as
2 far as it is concerned Penrose is closed?

3 A. No, I don't believe that they would issue it.
4 They're there during the process of closure, inspecting.

5 Q. Okay.

6 How about the City of L.A., do they ever
7 provide any type of closure document?

8 A. This is a fairly new agency. I don't know if
9 they're going to have one or not.

10 Q. Okay.

11 A. They're also -- they're at all times
12 inspecting, so during closure and after closure.

13 Q. Did you have any involvement in the closure of
14 the Tuxford site?

15 A. No.

16 Q. Do you have any knowledge of what closure of a
17 landfill in 1960 meant?

18 A. I'd be guessing.

19 Q. Okay.

20 Specifically with regard to Penrose, are you
21 aware of any representations that -- well, let me rephrase
22 this question.

23 The Integrated Waste Management Board, I think
24 you said, requires you to put a certain amount of earth
25 over the top of the landfill; is that correct?

1 A. Quantity and type.

2 Q. Okay.

3 Do they have any standards with regard to the
4 leakage of liquids out of Penrose?

5 A. I don't understand your question.

6 MS. SOKOLSKY: Well, yeah, I'm going to object.
7 It's vague and ambiguous and assumes facts not in
8 evidence. But --

9 BY MR. BORCHERT: Q. Was L.A. By-Products ever
10 required to, itself or through a consultant, certify to any
11 government agency that Penrose was not leaking any liquids?

12 A. I don't know what you mean by "certify."

13 MS. SOKOLSKY: You mean to obtain closure?

14 BY MR. BORCHERT: Q. I'm concentrating on closure,
15 yeah.

16 A. Oh, no.

17 Q. Did any governmental agency require
18 L.A. By-Products to create some sort of landfill gas
19 control system?

20 A. Did they require us to do that?

21 Q. Yes.

22 A. Is that what you're asking me?

23 Q. Yeah.

24 A. No, because we had already voluntarily done
25 it.

1 Q. Are you aware of whether or not that is a
2 requirement of any governmental agency?

3 A. I would be guessing, but I believe it is,
4 yeah.

5 Q. Who designed the landfill gas system at
6 Penrose?

7 A. Be specific.

8 Q. About what?

9 A. Period of time.

10 Q. Okay. Have there been several landfill gas
11 systems at Penrose?

12 A. The way you're asking it, no.

13 MS. SOKOLSKY: Let's see if we can give a
14 narrative.

15 (Attorney-client conference outside the
16 deposition proceedings.)

17 MS. SOKOLSKY: I'll allow a short narrative.

18 THE WITNESS: Generation of gas from refuse is still
19 relatively new. We were one of the first ones to discover
20 that there could be a problem with gas migrating off-site.
21 We took certain steps -- the guy's name just came to me,
22 the first man that we hired was Ralph M. Stone. Middle
23 initial may not be right. He worked with us for a while on
24 trying to develop the best way to keep gas from migrating.

25 We used Willy Lockman -- I'm not sure but I

1 think after Willy Lockman we went straight to Glenn Brown
2 on that. Glenn Brown was working for Leroy Crandall at
3 that time, which is now Law/Crandall.

4 BY MR. BORCHERT: Q. So did Mr. Stone create any
5 sort of gas collection system that was ever actually
6 installed at Penrose?

7 A. I don't know.

8 Q. Did he design such a system?

9 A. I don't know that for sure.

10 Q. When was the first gas collection system put
11 in at the Penrose landfill?

12 A. I'd be guessing at the date.

13 Q. Do you have any approximation?

14 A. Approximately 1975.

15 Q. Did L.A. By-Products enter into a contract
16 with somebody to construct that system?

17 A. Well, yes and no. L.A. By-Products Company
18 hired geotechnical services that I've just given you the
19 names of, and specified for well digging. We entered into
20 a contract for a well digger, that type of thing. Is that
21 what you're leading to? I don't -- I'm having a hard time
22 understanding the sequence here, what you're after.

23 Q. I'm trying to figure out who put in the first
24 gas collection system. You've indicated you had somebody
25 design it, you can't recall who. You indicate you had

1 somebody dig wells. Who put the piping together?

2 A. Some of that L.A. By-Products did.

3 Q. And in this first gas collection system where
4 or how was the gas disposed of?

5 A. Flare.

6 Q. And was a different gas collection system ever
7 put into place at Penrose?

8 A. It was elaborated on. The original wells are
9 still there.

10 Q. In other words, it was expanded?

11 A. Expanded.

12 Q. And how was it expanded?

13 A. More sophisticated equipment as it came into
14 existence, more wells.

15 Q. Were the additional wells put in because new
16 areas of fill had been added to the landfill or were they
17 more intense within areas where the original system was put
18 in or both?

19 A. Or neither.

20 Q. Okay.

21 A. As we became more educated in the extraction
22 of gas we found that you had to limit the draw. Therefore,
23 that limits the amount of the effected area, withdrawing
24 the gas. Therefore, more wells had to be installed.

25 Q. Is L.A. By-Products still flaring the gas

1 that's collected by the gas collection system?

2 A. No.

3 Q. What do they currently do with it, if
4 anything?

5 A. We sell the gas.

6 Q. To who?

7 A. PE.

8 Q. Who is -- what is PE?

9 A. Pacific Energy, if I'm not mistaken. It might
10 be Pacific Energy, Inc., I'm not sure, but it's
11 Pacific Energy.

12 Q. And how long has L.A. By-Products been selling
13 gas from the Penrose landfill to Pacific Energy?

14 A. I'd have to guess again.

15 Want me to guess the number of years
16 approximately?

17 MS. SOKOLSKY: Approximately, go ahead.

18 THE WITNESS: It's been over ten years.

19 BY MR. BORCHERT: Q. Are you familiar with any soil
20 remediation that has gone on at the Penrose facility?

21 A. I don't know what you're talking about.

22 Q. Are you aware of any excavation of any soil
23 from the Penrose property that was required by any
24 government agency?

25 A. Of the -- the entire site?

1 Q. Yeah.

2 A. I need clarification.

3 (Attorney-client conference outside the
4 deposition proceedings.)

5 THE WITNESS: Every time you drill a well you're
6 excavating old refuse that has to be disposed of in
7 accordance with all the new rules and regulations.

8 BY MR. BORCHERT: Q. So as far as you know the only
9 soil that's been removed at the site at the requirement of
10 any government agency has been well cuttings?

11 A. Yes.

12 Q. Are you familiar with the existence of a
13 clarifier at the Penrose landfill?

14 A. Yes.

15 Q. What was that clarifier used for?

16 A. I don't know.

17 Q. Do you know when it was installed?

18 A. No.

19 Q. Is there anyone at L.A. By-Products who knows
20 when that clarifier was installed?

21 A. No.

22 Q. How long has L.A. By-Products owned the
23 property where the Penrose landfill is?

24 A. Approximately 1975, I believe is when we
25 purchased it. The exact date, I don't know.

1 Q. Prior to 1975 who owned that property?

2 A. Conrock at that time. It was Calmat, C-a-l
3 capital M-a-t, I believe was their name.

4 Q. Well, okay. Does Conrock own Calmat? Calmat
5 own Conrock? Or are they related?

6 A. I don't know.

7 Q. You don't know?

8 A. Well, I believe so. I believe that that is a
9 spinoff from -- Conrock is now Calmat. Now, whether it's
10 just their landfill division, I don't know. You'll have to
11 ask them. I don't know how that works.

12 Q. Do you know what either Conrock or Calmat used
13 the property for prior to its purchase by L.A. By-Products?

14 A. Be more specific in time, please.

15 Q. Well, prior to 1975 do you have any
16 understanding what they used the property for?

17 A. Yes, they leased it to us, L.A. By-Products.

18 Q. And when was L.A. By-Products -- when did they
19 lease it to L.A. By-Products?

20 A. I don't know.

21 Q. What was L.A. By-Products using the property
22 for prior to 1975?

23 A. Sanitary landfill.

24 Q. And how long had L.A. By-Products been using
25 it for sanitary landfill?

1 A. Approximately 1960, '61. That's just -- it
2 comes to more clarification. There were two holes there.
3 And approximately 1960 the northern half of that was owned
4 by Conrock. I believe the southern part -- I don't know if
5 they owned that or not, but Blue Diamond was excavating the
6 rock, sand, and gravel. I don't know what the ownership
7 was at that time.

8 Q. Where is the clarifier that you're aware of
9 located on the Penrose site?

10 A. North section.

11 Q. Do you know if it was in existence at the
12 time L.A. By-Products -- let's back up.

13 Did By-Products buy all of the property that
14 encompassed the Penrose landfill in 1975, or just a
15 portion?

16 A. First off I'm not positive it was 1975. But
17 anyway, the purchase -- I believe it was the entire site.

18 Q. Okay.

19 Do you know if that clarifier was in existence
20 at the time the property was purchased in 1975?

21 A. Do I know? I do.

22 Q. And was it?

23 A. No.

24 Q. From 1975 on did L.A. By-Products have
25 exclusive control and use of the property?

1 A. Yes, approximately 1975, yeah.

2 Q. So you didn't have any tenants out there?

3 A. We're talking about Penrose?

4 Q. Yes.

5 MS. SOKOLSKY: Well, that's going to take some
6 clarification.

7 THE WITNESS: Yeah.

8 MS. SOKOLSKY: On exclusive control.

9 (Attorney-client conference outside the
10 deposition proceedings.)

11 MS. SOKOLSKY: I'll allow a short narrative by the
12 witness.

13 THE WITNESS: PE now rents a portion of our
14 property.

15 BY MR. BORCHERT: Q. And how long have they
16 rented -- I'm sorry, are you not finished?

17 A. That I'm not sure about. It goes back to
18 approximately 1985, maybe a little bit earlier than that.
19 And L.A. By-Products Company, of course, they went in and
20 they put in all of their machinery and equipment, and we
21 really had no knowledge of the clarifier.

22 MR. BORCHERT: Can I have that last answer back.

23 (The record was read.)

24 THE WITNESS: PE went in and put in their own
25 equipment. And that equipment was to generate

1 electricity.

2 BY MR. BORCHERT: Q. Are you familiar with the
3 boundaries of the property rented by PE?

4 A. Yes.

5 Q. Okay. Is the clarifier within those
6 boundaries?

7 A. Yes.

8 Q. And you don't know why -- well, let's back
9 up.

10 Do you know whether or not PE installed that
11 clarifier?

12 A. I doubt if they did. They probably hired it.
13 I don't know.

14 Q. Do you know if the clarifier was installed
15 during the time PE was renting the property --

16 A. Yes.

17 Q. -- from By-Products?

18 A. Yes.

19 Q. And it was installed during that period?

20 A. Yes.

21 Q. Did anybody from PE or on their behalf ever
22 contact L.A. By-Products to let them know that they would
23 be installing a clarifier?

24 A. Whether they contacted L.A. By-Products, I
25 don't know. But they did not contact me.

1 Q. And you don't know what PE used that clarifier
2 for?

3 A. No.

4 Q. No, you do not?

5 A. I do not.

6 Q. Is it still out there?

7 MS. SOKOLSKY: If you know.

8 THE WITNESS: There's something there. I don't know
9 what it is. I don't --

10 BY MR. BORCHERT: Q. You have to speak up, sir, so
11 the court reporter can take it down.

12 A. I don't know how to answer. By the way you
13 asked me I don't know how to answer.

14 (Attorney-client conference outside the
15 deposition proceedings.)

16 THE WITNESS: Regarding the clarifier, I heard that
17 it was removed. And from that point on we turned the
18 matter over to our attorneys.

19 BY MR. BORCHERT: Q. When if ever was the last time
20 that you saw that clarifier?

21 MS. SOKOLSKY: The clarifier itself?

22 BY MR. BORCHERT: Q. Yeah.

23 A. Never.

24 Q. Okay. Were you ever told where it was
25 located?

1 A. Yes.

2 Q. Did you ever stand at that spot?

3 A. No.

4 Q. Okay.

5 A. I take it back. When they first built the
6 equipment in there I stood on that spot.

7 MS. SOKOLSKY: Prior to the clarifier, though?

8 THE WITNESS: That was prior to the clarifier.

9 There's a pad there. That's how they brought in, I
10 believe, number 5 engine. If it wasn't the number 5, it
11 was the number 4. There was a pad there.

12 BY MR. BORCHERT: Q. These engines were methane
13 burning engines, is that what they were?

14 A. That's true.

15 Q. You talked about number 4 and number 5, is
16 that how many they had out there?

17 A. Yes -- I don't remember exactly how many.
18 It's either four or it's five.

19 Q. How large of an area did PE rent or lease from
20 By-Products?

21 A. I don't remember what the square footage is.
22 If you want a guess again, it's probably just about an
23 acre, I would say.

24 Q. Do they currently lease that property?

25 A. They lease it from us.

1 Q. Your answer is they do lease it from you
2 currently?

3 A. They lease it from us currently.

4 Q. Are you aware of whether or not PE has had to
5 remove any soil from that property?

6 A. Like I said, I turned that matter over to the
7 attorneys.

8 Q. L.A. By-Products' attorneys?

9 A. Yes.

10 Q. Okay.

11 Well, other than what your attorneys may have
12 discussed with you, do you have any independent knowledge
13 of whether or not any soil has been removed from that
14 property, that portion of the property?

15 A. To my knowledge, there hasn't been any soil
16 removed.

17 Q. Do you know if there are any soil vapor
18 monitoring wells at that portion of the property?

19 A. Be more specific.

20 Q. More specific about what?

21 A. Where they would be located.

22 Q. Oh, where the PE property -- property that PE
23 has rented from By-Products.

24 A. In operation today?

25 Q. These are --

1 A. I don't understand your question.

2 Q. Okay.

3 A. Rephrase it.

4 Q. I'm not asking about the methane collection
5 system. I'm asking about soil vapor monitoring that's
6 commonly done where a government agency is concerned about
7 contamination on a property. And I'm asking you if you're
8 aware of any such soil gas monitoring that is taking place
9 on the PE property, the property that PE is renting from
10 L.A. By-Products.

11 A. If it's taking place right now? No.

12 Q. Are you aware if it's taken place in the past?

13 A. I have heard rumors.

14 MR. HOFFMAN: Does that mean that there was -- you
15 heard rumors that there was some in the past?

16 THE WITNESS: That's what I heard.

17 MR. HOFFMAN: All right. I'm sorry. I just wanted
18 a clarification. I can't interrupt anymore.

19 MS. SOKOLSKY: That's fine.

20 MR. BORCHERT: This would be a good time to break,
21 take about an hour, and come back and see Judge Geffen.

22 MS. SOKOLSKY: Okay. And do you want the witness to
23 remain? We may be with Geffen for --

24 MR. HOFFMAN: Ten minutes.

25 MR. BORCHERT: I don't know how long we're going to

1 be with Judge Geffen.

2 MS. SOKOLSKY: Off the record.

3 (Discussion held off the record.)

4 (Noon recess.)

5 (Proceedings held with Special Master
6 Ralph J. Geffen from 1:30 p.m. to 3:45 p.m.)

7 MR. BORCHERT: On the record.

8 We have been in discussions with Judge Geffen
9 for about a little over two hours. Mr. McAllister left
10 earlier in anticipation of that meeting. We will be
11 continuing the deposition to April 15th of 1996 at
12 10:00 a.m. at Mr. Glazer's office. That will be a
13 continuation of this current deposition.

14 And do we want a transcript prepared in the
15 meantime? We will defer having the transcript prepared
16 until the completion of the deposition -- or until the
17 court reporter is given further notice.

18 (Discussion held off the record.)

19 MR. BORCHERT: Let me go back on.

20 We will stipulate the court reporter is
21 relieved of any obligation to maintain custody of the
22 original of the deposition transcript; that when the
23 deposition is completed or when the transcript is prepared
24 that the original will be sent to Mr. Montes, who will be
25 responsible for getting the witness to sign the deposition;

1 that it may be signed under penalty of perjury, and we'll
2 make further arrangements as far as correcting and notice
3 regarding any corrections at the completion of the
4 deposition.

5 MS. SOKOLSKY: So stipulated.

6 MR. GLAZER: Yes.

7 MR. HOFFMAN: Yes.

8
9 (PROCEEDINGS ADJOURNED AT 3:50 P.M.

10 DECLARATION UNDER PENALTY OF PERJURY ON THE FOLLOWING
11 PAGE HEREOF.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * * * *

I do solemnly declare under penalty of perjury under the laws of the State of California that the foregoing is my deposition under oath; are the questions asked of me and my answers thereto; that I have read same and have made the necessary corrections, additions or changes to my answers that I deem necessary.

In witness thereof, I hereby subscribe my name
this _____ day of _____, 199__.

Michael Robert McAllister

REPORTER'S CERTIFICATE

(U.S. vs. AlliedSignal)

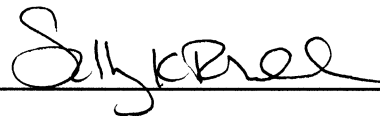
The undersigned Certified Shorthand Reporter
licensed in the State of California does hereby certify:

That the foregoing deposition was taken before me
at the time and place therein set forth, at which time the
witness was duly sworn by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed, said transcript being a true copy of my
shorthand notes thereof.

Pursuant to stipulation, the original deposition
transcript will be sent to Mr. Montes who will arrange to
have the witness review, correct and sign, and return the
executed original deposition transcript to Mr. Borchert.

In witness whereof, I have subscribed my name
this date: April 18, 1996.



Sally K. Farwell, CSR, RPR
Certificate Number 5675

DAVIS MURRAY SHORTHAND REPORTING CORPORATION

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**CERTIFIED
COPY**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.	)	CIV. NO. 93-6490 MRP (Tx)
	)	(Consolidated Actions)
ALLIEDSIGNAL, INC., et al.,)	
)	
Defendants.)	
_____)	
STATE OF CALIFORNIA, on behalf)	
of the State Department of Toxic)	
Substances Control,)	
)	
Plaintiff,)	
)	
vs.)	
)	
ALLIEDSIGNAL, INC., et al.,)	
)	
Defendants.)	
_____)	

DEPOSITION OF MICHAEL ROBERT MCALLISTER
(Volume II)

Taken on Monday, April 15, 1996, at 10:18 a.m.

Location: 300 North Los Angeles Street
Seventh Floor
Los Angeles, California

Reporter: Jodi Hale, CSR, RPR
Certificate Number 8638

1 Deposition of Michael Robert McAllister, Volume II,
2 taken before Jodi Hale, a Certified Shorthand Reporter for
3 the State of California, with principal office in the
4 County of Orange, commencing at 10:18 a.m., Monday, April
5 15, 1996, at the Office of the United States Attorney, 300
6 North Los Angeles Street, Seventh Floor, Los Angeles,
7 California.

8
9 APPEARANCES OF COUNSEL:

10 For Plaintiff United States of America:

11 UNITED STATES DEPARTMENT OF JUSTICE
12 Environmental Enforcement Section
13 301 Howard Street, Suite 870
14 San Francisco, California 94105
15 (415) 744-6477
16 BY: DAVID B. GLAZER, ESQ.

17 For Plaintiff The State of California, on behalf of
18 the State Department of Toxic Substances Control:

19 STATES OF CALIFORNIA
20 DEPARTMENT OF JUSTICE
21 Office of the Attorney General
22 300 South Spring Street, Suite 500
23 Los Angeles, California 90013
24 (213) 897-2607
25 BY: ANN RUSHTON, ESQ.

26 For Defendant LOS ANGELES BY-PRODUCTS CO.:

27 GREENWALD, HOFFMAN & MEYER
28 Attorneys at Law
29 500 North Brand Boulevard, Suite 920
30 Glendale, California 91203
31 (818) 507-8100
32 BY: ANITA SOKOLSKY, ESQ.
33 RAUL M. MONTES, ESQ.

APPEARANCES OF COUNSEL: (Continued)

For Defendant CALIFORNIA CAR HIKERS SERVICE:

ANDERSON, McPHARLIN & CONNERS
A Partnership Including Professional Corps.
One Wilshire Building, Nineteenth Floor
624 South Grand Avenue
Los Angeles, California 90017-3320
(213) 688-0080
BY: DAVID A. BORCHERT, ESQ.

DANIELS, BARATTA & FINE
Attorneys at Law
1801 Century Park East
9th Floor
Los Angeles, California 90067
(310) 556-7900
BY: NATHAN B. HOFFMAN, ESQ.

INDEX

<u>EXAMINATION BY:</u>	<u>PAGE</u>
Mr. Glazer -----	78

EXHIBITS

<u>DEPOSITION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
MRM-1	Notice of Taking Deposition -----	85
MRM-2	Corporation Grant Deed -----	91
MRM-3	Letters dated December 13, 1968;, December 15, 1969; December 3, 1970; December 7, 1971; December 7, 1972; December 12, 1973 -----	91
MRM-3	Letter dated October 13, 1998, to Jeff Zelikson from C.D. VanGorden -----	105

1 LOS ANGELES, CALIFORNIA - MONDAY, APRIL 15, 1996

2 * * *

3 MICHAEL ROBERT MCALLISTER,

4 called as a witness, and having been previously duly
5 sworn by a Certified Shorthand Reporter, was examined and
6 testified as follows:

7 EXAMINATION

8 BY MR. GLAZER: Q. Mr. McAllister, you understand
9 you are still under oath?

10 A. Yes --

11 Q. Since --

12 A. At least I do now.

13 Q. All right. You --

14 A. You are telling me; is that correct?

15 Q. That's right.

16 Since the last time you were deposed, which I
17 guess was last Monday, have you spoken to anyone other than
18 your attorneys about the testimony you gave at your last
19 deposition?

20 A. No.

21 Q. Did you speak to anyone about the testimony
22 you expect to give today?

23 A. No.

24 Q. Have you reviewed any documents to refresh
25 your recollection concerning any matters that you testified

1 to last time?

2 A. If digging out ledger sheets and some of the
3 information that was requested, I will let you answer that.

4 Q. So the answer is you looked at some ledger
5 sheets?

6 A. Yes.

7 Q. And perhaps some other documents?

8 A. Yes. Pit tickets, and I believe there were
9 some tally -- no, they weren't tally sheets in there.
10 Those are cash register rolls, I think.

11 Q. Let's see if I have got this. So you looked
12 at ledger sheets, tickets. You do --

13 A. Some -- those are limited. Limited pit
14 tickets.

15 Q. And you did or did not look at tally sheets?

16 A. No.

17 Q. You did not.

18 You looked at cash register rolls?

19 A. They were in the box still rolled. I didn't
20 open them up.

21 Q. What was the purpose of looking at these
22 documents?

23 A. We were requested to get a customer list and
24 we do not have customer lists; so the closest thing we have
25 are the ledger cards themselves.

1 Q. And the purpose of looking at these were to --
2 was as a substitute for customer lists?

3 A. Yes.

4 Q. Having reviewed those documents were you able
5 to put together a customer list?

6 A. No. I just included all ledger cards. And if
7 you want to make a customer list, you can.

8 Q. So what did you do with these documents after
9 you reviewed them?

10 A. Put them in a file book and took them up to
11 the attorney's office.

12 Q. Those are available?

13 MS. SOKOLSKY: Oh, you weren't there, that's right.
14 Yes. They are available.

15 THE WITNESS: They are still there as far as I know.

16 MS. SOKOLSKY: I believe counsel for California Car
17 Hikers, and Miss Rushton, reviewed them.

18 BY MR. GLAZER: Q. What exactly is a ledger sheet
19 in your business?

20 A. It has the customer name and the charges for
21 the various landfills that we were operating that would
22 show up on there. It would be total each month and
23 statements sent out.

24 Q. And for which landfills did you review ledger
25 sheets?

1 A. Well, unfortunately they are all combined.

2 Q. So they are mixed together?

3 A. Yes. One account name. Under one account
4 name there might be various landfills that were used during
5 the month.

6 MR. GLAZER: Why don't we go off the record for a
7 second.

8 (Discussion held off the record.)

9 MR. GLAZER: Back on the record.

10 Q. You were explaining ledger sheets. So they
11 are kept by account name. Is that it?

12 A. Yes, uh-huh.

13 Q. And if one customer sent waste to different
14 landfills, it would be all on the same sheet?

15 A. That's right, as long as the landfills were in
16 operation. So for each given month, depending on where
17 they tip their refuse, it would be indicated.

18 Q. But you could look, if you had a ledger sheet
19 in front of you, and determine that customer sent waste to
20 a particular landfill?

21 A. Uh-huh.

22 Q. You said the sheet also indicates what was
23 charged for the waste?

24 A. For a given month, and that would be a total
25 or a subtotal. In this case if there is three landfills,

1 those would be subtotals for a total of each landfill.

2 Q. So there is nothing on the ledger sheet that
3 indicates what was charged per load?

4 A. No.

5 Q. What's the purpose of a pit ticket?

6 A. When the driver comes in, part of the
7 procedure after the inspection of the loads through the
8 mirrors -- and later years through cameras -- you ask what
9 type of refuse that he has, and he tells you exactly what
10 he has got.

11 You ask him about how much refuse he has and
12 he usually indicates; however, it's up to the discretion of
13 the checker. The checker then puts down approximate
14 yardage and the price, and in some cases he will put down
15 certain types of categories depending on the landfill.

16 Q. You charge different amounts for different
17 types of waste; is that it?

18 A. Yes, that is. We did.

19 Q. What's a tally sheet?

20 A. It's really a conglomeration of taking totals
21 and coming up with the amounts. It would be like daily
22 runs, monthly runs, and I think some of those old tally
23 sheets might have totals per customer so that they could
24 post it onto the ledger sheets. I am not sure because I
25 really didn't do too much with the tally sheets.

1 Q. What point in the process would tally sheets
2 be filled out?

3 A. I don't know.

4 Q. I may have more questions on those things
5 after I get a chance to look at them.

6 Cash register rolls. What were those?

7 A. Each entry that was made on the cash registers
8 would be automatically printed on the rolls.

9 Q. What types of transactions would be recorded?

10 A. Hopefully all.

11 Q. So any -- would this just include charges
12 reviewed from people bringing in waste or would we include
13 other charges made in the course of your business?

14 A. Any cash received and the amount charged, yeah.

15 MS. SOKOLSKY: Excuse me. For clarification are you
16 looking for including nonlandfill customers basically?

17 MR. GLAZER: That's what I meant.

18 Q. Anytime someone did something at a cash
19 register, they would include it on the role?

20 A. Yeah. If we are paying out or receiving, it
21 should be. For example, employees would purchase gloves.
22 That sort of thing would be on there. We did some
23 salvaging and so if somebody were to come in and purchase
24 steel, that should be on there too.

25 Q. So if one wanted to try and piece together how

1 much of a given type of refuse might have been received
2 from any given customer, do I take it that the best
3 documents to look at would be the pit tickets?

4 A. From a given customer?

5 Q. Uh-huh.

6 A. Yes.

7 Q. Do you know for what period of time your
8 business still has pit tickets?

9 A. No. The pit tickets we have are up at the
10 attorney's office, and I don't remember what dates those
11 were.

12 Q. You think it's a small percentage of the total?

13 A. Very small, no question about it.

14 MS. SOKOLSKY: David, are you including all
15 landfills or just Penrose and Tuxford or Penrose and not
16 Tuxford?

17 BY MR. GLAZER: Q. Why don't we take them one at a
18 time.

19 A. Even Strathern? We have all of Strathern but
20 that's new.

21 Q. What about Penrose?

22 A. No, just what's up at the attorney's.

23 Q. And is that true of Tuxford as well?

24 A. Yes, uh-huh.

25 Q. We didn't mark any exhibits last time, did we?

1 MR. BORCHERT: I don't believe so.

2 MR. GLAZER: Let's make this Exhibit 1.

3 (MRM Exh-1 marked for identification.)

4 BY MR. GLAZER: Q. Before I go on, other than
5 ledger sheets, pit tickets and cash register rolls, did you
6 review any other documents between Monday of last week and
7 today?

8 A. For Strathern we have ongoing business so yes.

9 Q. Excluding that. I mean after your deposition?

10 A. No.

11 Q. I put before you a document I marked as
12 Exhibit 1. Have you ever seen this document before?

13 A. To be honest with you, I'm not sure.

14 Q. I want you to take a moment.

15 A. I do know if this is for me to show up, they
16 told me about it.

17 Q. Well, I am asking if you had ever looked
18 through this document before this morning?

19 A. No, I don't remember. Seen lots of documents
20 that are -- certainly look like this. I am not an
21 attorney.

22 Q. Okay. You don't recall at any time going over
23 this document with your attorneys?

24 MR. MONTES: Objection. I'm sorry. Can you repeat
25 the question?

1 BY MR. GLAZER: Q. Do you remember going over this
2 document before today with your attorneys?

3 MR. MONTES: Objection. Attorney-client
4 privilege. Don't answer that question.

5 BY MR. GLAZER: Q. Did they show you the document?

6 MS. SOKOLSKY: Well, I think that we can go off
7 record a minute. I just need you (indicating Mr. Montes).

8 (Break taken at 10:30 a.m.; deposition
9 resumed at 10:33 a.m.)

10 THE WITNESS: Let me clarify this. I saw probably
11 the backside of this document and we discussed it.

12 BY MR. GLAZER: Q. Saw the backside?

13 A. Uh-huh.

14 Q. Nothing written on the backside, is there?

15 A. Not to my knowledge.

16 Q. Okay. So what you are telling me is you never
17 reviewed the text of this document? Is that it?

18 MS. SOKOLSKY: Well, excuse me. Without waiving any
19 attorney-client privilege.

20 THE WITNESS: I am familiar with the document.

21 BY MR. GLAZER: Q. Why don't we turn to page 1.
22 Why don't you look at item number 1, just read that to
23 yourself.

24 A. Uh-huh.

25 Q. Are you prepared this morning to testify about

1 any issues relating to topic number 1?

2 A. Yes.

3 Q. Okay. Did you do anything to prepare for that
4 testimony?

5 A. No.

6 Q. Now what about item number 2? Are you
7 prepared to testify about issues relating to item number 2
8 this morning?

9 A. Yes.

10 Q. Did you do anything to prepare for that
11 testimony?

12 A. No.

13 Q. On item number 3, are you prepared this
14 morning to testify to issues relating to that subject area?

15 A. Facilities being what?

16 Q. I think they are defined as Penrose and
17 Tuxford.

18 A. Repeat your question then.

19 Q. Are you prepared to testify about the matters
20 set forth in item number 3 this morning?

21 A. No.

22 MS. SOKOLSKY: Well, let's clarify. I think that
23 the witness is prepared to testify as to the extent of his
24 knowledge. I think he is probably thinking that you mean,
25 you know, in-depth testimony or matters that he has turned

1 over to his attorneys, but he is prepared to tell what he
2 knows.

3 THE WITNESS: And technical information by the
4 geologist that is a -- their bag. That's really what we
5 are getting into here. I can testify to what I know.

6 MR. GLAZER: All right.

7 Q. Who else do you think would be able to testify
8 to the matters listed in item number 3?

9 A. Be all the geologists that may have worked on
10 this Tuxford and Penrose.

11 Q. Who would they be?

12 A. Well, we have had -- they are called
13 Law/Crandall, I believe.

14 Q. Anyone else?

15 A. And then I think we had -- well, to my
16 knowledge Caldwell had called me so they should know.
17 Another geologist would be Ray Moresco.

18 Q. Who is he with?

19 A. I don't know. I have a feeling he is
20 independent.

21 Q. He wasn't with Law/Crandall?

22 A. No.

23 Q. Anybody else come to mind?

24 A. Well, yeah. Then you get into the
25 governmental agencies.

1 Q. I mean anybody that either is at Los Angeles
2 By-Products or who do work on their behalf, if could you
3 limit your answer to that.

4 A. Our attorneys.

5 Q. Okay. Anyone else?

6 A. Can't think of any right now but --

7 Q. Okay.

8 Now turning to item number 4, are you prepared
9 to testify this morning as to the items listed in number 4?

10 MS. SOKOLSKY: Well, we are going to object to the
11 extent that some of that are legal -- some of those are
12 legal issues that are contained in the affirmative
13 defenses. And if you want to ask Mr. McAllister general
14 questions about his denial of allegations, that's fine.

15 MR. GLAZER: I think I will ask him some specific
16 questions but I think I will save that for later.

17 Off record for a second.

18 (Discussion held off the record.)

19 MR. GLAZER: Back on the record.

20 Q. We talked last time a bit about the history of
21 ownership and operation of the Penrose Landfill. Am I
22 correct in thinking that L.A. By-Products leased the
23 landfill for a time before it was acquired?

24 A. Before it was purchased, yes.

25 Q. Do you remember the dates that --

1 A. No. I can tell you approximate.

2 Q. Well, approximately when did L.A. By-Products
3 start leasing the Penrose facility?

4 A. Probably 1960 and that would be plus or minus
5 a few years.

6 Q. Do you recall at what point in time L.A.
7 By-Products purchased the Penrose facility?

8 A. Once again it would -- approximation, seems to
9 me it was around 1975.

10 Q. Okay. I have a document that I will mark as
11 an exhibit as soon as I am able to make some copies of it.
12 I just want you to take a look at it and see if this might
13 refresh your recollection about when L.A. By-Products might
14 have purchased the Penrose facility.

15 MR. MONTES: I am going to object to lack of
16 foundation.

17 Have you seen this before?

18 THE WITNESS: I may have seen this. Didn't pay any
19 attention. It would be in our records, probably. I would
20 hope that would be in our records. So the recollection is
21 1974 then.

22 BY MR. GLAZER: Q. And L.A. By-Products purchased
23 Penrose from Consolidated Rock. Is that your
24 understanding?

25 A. Yeah -- ah, no.

1 Q. What is your understanding, if any?

2 A. Well, as I understand it, it was a third --
3 three-way party. Con Rock was going to sell it to another
4 party and then that party decided that they didn't want it
5 and L.A. By-Products ended up purchasing it.

6 Q. So you did end up purchasing it from Con Rock?

7 A. Well, I don't know if it was actually from Con
8 Rock or from that third party. I don't know how that was
9 done and I don't know all the particulars.

10 Q. I am going to show you some documents that
11 were turned over by your attorneys to us in discovery and
12 see if you might be able to tell me what they are. They
13 are all of the same type, although they bear different
14 dates. I think they are almost verbatim. The last one
15 seems to be incomplete. I will mark these as Exhibit 3.
16 When I am able to make copies of the Corporation Grant Deed
17 I will mark as Exhibit 2.

18 Would you take your time and take a look at
19 that?

20 A. What was your question regarding this?

21 Q. Just have you had a chance to go through
22 them?

23 A. One by one or you want me to try to lump them
24 all together?

25 Q. Whichever is easier.

1 A. Let's go one by one.

2 Q. Okay. Okay?

3 A. Yeah.

4 Q. First document appears to be a December 13,
5 1968 letter. Do you know what that document is?

6 A. For sure, no, but I believe that it's part of
7 our annual acquisition of a permit.

8 Q. Annual which?

9 A. The acquisition of our permit with the city of
10 Los Angeles.

11 Q. Is it something you had to renew every year?

12 A. Yes, it is.

13 Q. And what kind of permit was this?

14 A. To own a cemetery landfill.

15 Q. From whom did you get this permit?

16 A. City of Los Angeles.

17 Q. Were there other entities around the time,
18 that time being 1968, approximately, that you received
19 permits from or is the city of Los Angeles the only
20 authority?

21 A. I don't know.

22 Q. Would you please hand that back to me?

23 A. Uh-huh.

24 Q. Approximately 1968, what was your job at L.A.
25 By-Products?

1 A. I think at that time I was in the military. I
2 believe so.

3 Q. And for how long were you in the military?

4 A. About two years.

5 Q. At any time when you were with L.A.

6 By-Products did part of your responsibilities include
7 preparing letters such as the five or six that I have shown
8 you?

9 A. At any time?

10 Q. Yes.

11 A. Yes.

12 Q. Is there certain guidelines or regulations
13 setting out what needs to be in such a letter?

14 A. In the period of time -- let me just be very,
15 very general. In the early seventies, for example, the
16 city of Los Angeles, the Bureau of Street Maintenance, had
17 certain requirements and they would ask us certain
18 questions that we had to respond to, but that could change
19 from year to year depending on who was in charge I guess.

20 Q. I notice that these letters seem to have the
21 same text. I was wondering if you were responding to some
22 sort of form questionnaire?

23 A. I didn't respond. Somebody else responded to
24 these. But later on when I was more actively involved in
25 the response of these letters, and I don't know that you

1 have any here anyway, they had -- they had a form but then
2 they would also ask whether it was by letter or just by a
3 simple telephone call to whoever was preparing it. They
4 might ask for some additional information. All depends on
5 who it was.

6 Q. Do you recall -- do you know if before L.A.
7 By-Products leased the Penrose facility there was any other
8 entity operating it prior to 1968?

9 A. Operating it. Be more specific.

10 MS. SOKOLSKY: Do you mean an L.A. By-Products
11 affiliated entity or someone else?

12 BY MR. GLAZER: Q. Prior to 1960 which is
13 approximately the date you say L.A. By-Products first
14 leased the Penrose facility, do you know if it was in
15 operation?

16 MS. RUSHTON: Can you specify in operation as to
17 what?

18 MS. SOKOLSKY: You mean as a landfill?

19 BY MR. GLAZER: Q. As anything, but I assume it
20 would be a landfill?

21 A. No. Your assumption is wrong.

22 Q. Where am I missing the boat?

23 A. Well, it's a rock, sand and gravel excavation
24 that we filled so they, Con Rock, Blue Diamond are the two
25 that I would be familiar with actually did the excavation

1 work; so materials that they extracted they sold.

2 Q. So they were in the coring business; is that
3 correct?

4 A. Uh-huh, yeah.

5 Q. So essentially the Penrose facility before it
6 became a landfill was a rock quarry; is that right?

7 A. That's correct.

8 Q. Sometime which you think was probably 1960 you
9 leased the --

10 A. I didn't. The company.

11 Q. L.A. By-Products leased the facility from Con
12 Rock, was it?

13 A. Yes. As far as I know it would be Con Rock in
14 those rocks. It may have been Consolidated Rock
15 Products -- I don't know -- but it's the same company.

16 Q. Do you know what the approximate capacity of
17 the Penrose landfill is?

18 A. The entire site?

19 Q. Yeah.

20 A. I think it was about 12 million yards,
21 somewhere around there.

22 Q. Do you keep records containing that kind of
23 information?

24 A. We did up until the time of purchase. We had
25 to do aerial surveys which of course we are talking about

1 here.

2 Q. What was the purpose of those aerial surveys?

3 A. To pay Con Rock.

4 Q. You paid them per amount of fill. Is that it?

5 A. Yes.

6 Q. What about after you purchased the
7 facility? Did L.A. By-Products keep any records about the
8 amount of capacity?

9 A. Yes. We kept some but not nearly as formal.

10 Q. What kind of records did you keep?

11 A. I believe we took -- made estimated -- well, I
12 am really guessing at this because I am just not that
13 familiar with it, but we kept some records. Exactly what
14 they are, I don't know. I would have to go back and look.

15 Q. Do you think those records still exist?

16 A. I don't know. Let me tell you what happened.
17 We went down to look for some type of the dump tickets that
18 were requested. We have always taken all of our boxes to
19 Bekins, who I believe is out of business now, for storage
20 of records. It's now Iron Mountain.

21 We have a list of 75 boxes by number and they
22 were able to come up with it was either 21 or 22 boxes.
23 The rest they say are lost.

24 Q. Were these boxes for more than just the
25 Penrose facility?

1 A. Yes, uh-huh.

2 Q. So you know --

3 A. Probably. I don't know what's in those boxes
4 but I would assume that, yeah, it's a lot of records.

5 Q. To your knowledge has L.A. By-Products ever
6 had a policy for determining when documents should be taken
7 off site and stored?

8 A. No. No formal policy.

9 Q. Do you know over what period of time those 75
10 boxes were collected and even --

11 A. No.

12 Q. Do you recall at what time you were told that
13 only 21 boxes of documents were able to be located?

14 A. The date, no.

15 Q. No, but approximately the year. Was it this
16 year?

17 A. This year, uh-huh.

18 Q. Was that the first time you ever tried to
19 retrieve any of those boxes?

20 A. Yes.

21 Q. Do you know where these 21 boxes are now?

22 A. Yes.

23 Q. Where?

24 A. Iron Mountain with the exception of we have up
25 there three boxes, I think -- I am not certain of the

1 number up -- at the attorneys' office.

2 Q. So three boxes are at Greenwald and Hoffman
3 and the remainder?

4 A. Are at Iron Mountain.

5 Q. Do you know what is in the remaining 18 boxes?

6 A. Just from reading the little label on the
7 front.

8 Q. And what kinds of things were in those boxes
9 if you can --

10 A. Some of those -- the tally sheets that you
11 were inquiring about, some were shredded steel documents.
12 Boy, I don't remember the others.

13 Q. And your purpose in looking through three
14 boxes of documents was what?

15 A. I believe it -- that you had asked for or
16 somebody here had asked for some of the pit tickets.
17 That's what we were after.

18 Q. So you took three boxes out of the 21 because
19 they may have contained pit tickets?

20 A. They did.

21 Q. They did?

22 A. Uh-huh. Those were the only ones there. I
23 can even clarify that. They -- and I hope they still do.

24 Q. I am going to show you a document which I am
25 not going to mark for identification but I just want you to

1 take a look at it?

2 A. Are we through with these?

3 Q. You can just put them here.

4 I just want to show you a document that bears
5 the Superfund Record Center number 21666-0501. It's
6 entitled "Solid Waste Assessment Test Swath" dash "Water
7 Penrose and Newberry Landfills Prepared for Los Angeles
8 By-Products Company."

9 Just want to ask you if you have ever seen
10 this document before?

11 A. I have seen a document just like that, yeah.

12 Q. In what connection did you see a document like
13 that?

14 A. We ordered the solid waste assessment test.

15 Q. And you understand that that's a report
16 generated from that work that you ordered?

17 A. Well, without reading through it I would have
18 to assume that it would be.

19 Q. Why don't you take your time and look through
20 it. You don't have to read every page. I just want you to
21 see if it's what it appears to be.

22 MR. HOFFMAN: Mr. Glazer, is there a date on that
23 document?

24 THE WITNESS: June 29th.

25 MR. HOFFMAN: What year?

1 THE WITNESS: June 29th, 1988.

2 MR. HOFFMAN: Thank you.

3 THE WITNESS: It appears to be that, yes.

4 BY MR. GLAZER: Q. If you turn to page 5, in the
5 middle of the page sort of near where I have the yellow
6 post-it you see the statement "about 15 million cubic yards
7 of refuse are in place." Do you see that?

8 A. Uh-huh.

9 Q. Do you know where Law/Crandall might have got
10 that figure 15 million?

11 A. Probably from us because that's including now
12 the surcharge. You have approximately 12 million cubic
13 yards' capacity in the rock, sand and gravel excavation.

14 Q. Yes.

15 A. And then when you go above that, then that
16 adds the extra amount that's shown here.

17 Q. When you say "go above that," you mean in
18 terms of elevation above?

19 A. Surrounding street levels of the site.

20 Q. So you provided information to Law/Crandall
21 concerning the capacity of the landfill, you being L.A.
22 By-Products; is that correct?

23 A. Yes, uh-huh.

24 Q. Do you know where L.A. By-Products would have
25 gotten that information?

1 A. From the surveys, the aerial surveys.

2 Q. Anything else?

3 A. Well, that was before I was active so I don't
4 know.

5 Q. Okay. Do you know when L.A. By-Products first
6 leased the Penrose landfill from Con Rock or whatever it
7 was?

8 A. Exact date, no.

9 Q. No. At the time that L.A. By-Products -- I
10 wasn't finished with my question.

11 A. Oh.

12 Q. Do you know if L.A. By-Products did any work
13 to prepare the existing quarry for use as a landfill?

14 A. No.

15 MS. SOKOLSKY: No, you don't know, or --

16 THE WITNESS: I do not know.

17 BY MR. GLAZER: Q. So you don't know whether the
18 quarry was lined with anything prior to commencement of
19 filling?

20 A. To my knowledge it was not lined.

21 Q. Do you know whether it has a leachate
22 collection system?

23 A. Yes. I know.

24 Q. And the answer is?

25 A. No.

1 Q. We talked a little last time about what types
2 of waste were accepted at Penrose and Tuxford and I just
3 want to concentrate on Penrose for now. Basically what's
4 your understanding of what type of waste was accepted?

5 A. Dirt, rocks, concrete, asphalt, plasterboard,
6 drywall, paper, metals, wood, tin cans, glass.

7 Q. Did L.A. By-Products simply receive materials
8 that were brought in by others or did L.A. By-Products
9 actually go out and pick things up?

10 A. We just received.

11 Q. So --

12 A. Talking about Penrose?

13 Q. Right.

14 A. We just received, with the one exception of
15 back when we operated our recycling plant action, and I am
16 not sure if any of that material went into Penrose but the
17 type of material that would have gone in would have been
18 dirt.

19 Q. What kind of recycling plan was this?

20 A. On 25th and Alameda we received all of the
21 noncombustible household refuse from the city of Los
22 Angeles and surrounding greater met area.

23 Q. What was the address of that again?

24 A. Exact address use 1819.

25 Q. 1819?

1 A. Yeah.

2 Q. 1819 what?

3 A. East 25th Street.

4 Q. And this was a recycling center, you said?

5 A. Yes.

6 Q. And do you recall what period of time it
7 operated?

8 A. I will let you go back and research it but
9 when Mayor Yorty came into office, that ended it, and it
10 was operating prior to that time all the way back prior, a
11 few years prior to 1925.

12 Q. Do you recall what kind of recycling center
13 this was, what exactly did it recycle?

14 A. Noncombustible-type refuse. You want me to go
15 through the whole spiel?

16 Q. I was trying to get a sense of the type of
17 recycling operation it was and what exactly did it recycle
18 them into?

19 A. Well, for example, glass would be extracted.
20 It would be hand separated into color. The white glass
21 would be recycled into new items such as mayonnaise jars,
22 jam jars, that type of thing. Colored glass, too, wine
23 bottles, anything that required a colored glass.

24 Q. So for purposes of providing materials for
25 this recycling center, L.A. By-Products actually performed

1 pick-ups?

2 A. No. City of Los Angeles picked it up and
3 brought it to us.

4 Q. Did L.A. By-Products ever do any of its own
5 pick ups in connection with any of its facilities?

6 A. It would take the dirt from the recycling and
7 take it to Penrose, and prior to Penrose probably to
8 Tuxford. There were some of the other landfills we had.

9 Q. But for the most part you relied on people
10 bringing loads into the Penrose facility?

11 A. That's correct.

12 Q. I believe last time you testified about
13 accepting loads picked up from apartments or colleges; is
14 that correct?

15 A. That's correct, yes.

16 Q. Do you know what kind of refuse were in those
17 loads?

18 A. Well, it would be typical household-type
19 refuse.

20 Q. Well, I think your testimony last time is that
21 it was loads that the city of Los Angeles wouldn't pick up?

22 A. That's correct.

23 Q. And why wouldn't they pick it up?

24 A. Because they are apartment houses are the only
25 ones city would pick up. To my knowledge would be strictly

1 from the houses themselves. I don't think they picked up
2 at all from apartments. They may have. I don't know. I
3 am not privy to that.

4 (Inaudible discussion between the witness and
5 Ms. Sokolsky.)

6 BY MR. GLAZER: Q. Do you know about how many
7 accounts L.A. By-Products serviced during its period of
8 operating at Penrose?

9 A. The number, no. Be in our ledger sheets
10 which is available for counting.

11 MR. GLAZER: Why don't we go off record for a
12 second.

13 (Break taken.)

14 BY MR. GLAZER: Q. I want to show you a document
15 that I will mark as Exhibit 4.

16 (MRM Exh-4 marked for identification.)

17 MR. HOFFMAN: Could you identify it for us while
18 they are reading it?

19 MR. GLAZER: October 13th, 1988, letter to Jeff
20 Zelikson for C.D. VanGorden. Bears a Superfund Record
21 Center Number 21666-90182.

22 MS. SOKOLSKY: Just you.

23 (Whereupon Ms. Sokolsky and Mr. Montes exited
24 the room and subsequently returned.)

25 MR. HOFFMAN: Mr. McAllister, from time to time you

1 do an "huh-uh" or "uh-huh." The poor reporter wants you to
2 speak up to remind you it's necessary we get a "yes" or
3 "no." I see the reporter grimacing every time when he does
4 it. It just makes her job a lot harder.

5 BY MR. GLAZER: Q. Mr. McAllister, have you ever
6 seen a copy of that letter?

7 A. I really don't know.

8 Q. Do you recognize that signature at the bottom
9 as being that of Claude VanGorden?

10 A. Yes, uh-huh.

11 Q. The reason I am asking you about this
12 document is just that Mr. VanGorden states apparently that
13 L.A. By-Products serviced some 150 to 200 accounts per
14 month over a 22-year period.

15 Does that sound right to you based on your
16 knowledge of the business?

17 A. Well, that would be a rough guess of 150 to
18 200. They are available for accounting. Twenty-two year
19 period. This is in 1988 that he wrote the letter. So we
20 are going back to 1966. Yeah, I don't really see anything
21 that would bother me here.

22 Q. Okay. Just based on that estimate of 150 to
23 200 accounts per month, do you know roughly what that would
24 translate into over the entire 22 years?

25 A. I don't understand the question.

1 Q. In other words, if it's 150 to 200 per month,
2 assuming you didn't have the same exact -- same accounts
3 for the entire 22 years, do you know what the total number
4 of accounts ever serviced by L.A. By-Products during that
5 22 years would be?

6 A. No. They are available for counting.

7 Q. But you have no idea?

8 A. I don't know. I would just be guessing.

9 Q. Do you recall what the hours of operation of
10 the Penrose facility were?

11 A. They changed over a period of time but
12 basically I believe it was about 7:00 or 7:30 in the
13 morning until -- let's see. Penrose, I think we were
14 allowed to go until 5:00 for a while. I am not sure. It's
15 been too long since I have been involved in that.

16 Q. Do you recall in your testimony of last Monday
17 you mentioned something about Penrose being open to the
18 public. What does that mean exactly?

19 A. If you do not have an open account with us, a
20 charge account, but had removed, let's say the back patio
21 that had concrete, you could bring that through the gates
22 and dispose of it at one of our facilities.

23 Q. What does one do to establish an account with
24 you?

25 A. Fill out a credit application.

1 Q. So did the company to your knowledge have a
2 policy about when someone needed to open an account and
3 when they could just show up?

4 A. That's hard to answer the way you are asking
5 but let's see if I understand it right. If a company came
6 in and said, "I have got one load to dispose of and I don't
7 want to pay cash," is that what you are asking me?

8 Q. I don't know. I mean basically you talk
9 about people with accounts, they have to fill out a credit
10 application, and then people who just come in with a load?

11 A. Yes.

12 Q. I am just wondering how the world divides into
13 those two categories.

14 A. Well, if a company feels that they are going
15 to be bringing in multiple loads throughout the month,
16 meaning quite a few, they may want to establish credit so
17 the drivers do not have to carry cash.

18 Q. So that would be for the convenience of the
19 customer but --

20 A. That is correct.

21 Q. But did L.A. By-Products have any guidelines
22 that certain companies had to open an account in advance
23 before coming in with a load?

24 A. No, not to my knowledge.

25 Q. So anyone could come in with a load and --

1 A. Well, depends on what type of load now you are
2 talking about. You're talking about what's allowable; is
3 that correct.

4 Q. Yes, presumably. In other words --

5 A. Don't presume because we don't.

6 Q. In other words, all I am getting at someone
7 doesn't need to call up in advance and say, "I have a load.
8 Can you accommodate me?"

9 A. They have to tell us what it is.

10 Q. But he can drive up to the gate and do that;
11 is that correct?

12 A. Yes, uh-huh, sure.

13 Q. So --

14 (Inaudible discussion between the witness and
15 Ms. Sokolsky.)

16 BY MR. GLAZER: Q. When someone drives up with a
17 load to the gate at Penrose, what is the first thing that
18 occurs at that point as far as the process of L.A.
19 By-Products transacting with them?

20 A. As the truck approaches, the checkstand -- if
21 it's a familiar truck to our checker, he immediately writes
22 down the license plate number on the ticket.

23 Q. What if it's not a familiar truck?

24 A. He still writes down the license but it is
25 much more careful, and the reason being when the truck

1 stops at the checkstand there is a mirror that shines back
2 at the truck's license so it will show the front license.
3 You also have one that shows the back license. On occasion
4 you will get two different licenses on a vehicle. He is
5 immediately sent away.

6 Q. The checkstand is right at the front gate; is
7 that correct?

8 A. No, it's not right at the front gate. It's
9 always in quite a ways. For simplicity it will range from
10 a hundred yards maybe up to we have had it as far as 300
11 yards. It gives an area in case you get a lot of trucks
12 coming at one time being in a line so they are not going
13 out into the street.

14 Q. I see. So it's sort of like a waiting room
15 kind of thing?

16 A. Let me go into that so -- just so you
17 understand. In that line that gives the driver time to
18 remove his tarps. All tarps have to be removed prior to
19 getting up to the actual checkstand itself. If there are
20 very few people in line we make those trucks pull to the
21 side and take their tarps off. You want me to continue
22 through the --

23 Q. They drive up to the front gate?

24 A. Well, that's how they gain access. They have
25 to drive through the front gate.

1 Q. They are waived in, I presume?

2 A. No, no, no.

3 Q. So what happens?

4 A. They go through the front gate and then they
5 make their way to the checkstand.

6 Q. And at the checkstand someone checks the
7 license plates; is that correct?

8 A. That's part of it, yep.

9 Q. And by that time any tarps that are on the
10 truck will have been removed; is that correct?

11 A. That's correct.

12 Q. And then what happens then?

13 A. Then the drivers ask what type of -- first
14 off, what type of company, what company name he has, if
15 it's a charge account or if he is going to be paying cash.
16 And he is also asked what the type of refuse that he has
17 that he wants to dispose of, and at the same time the
18 checker -- in the late days we had cameras and mirrors both
19 looking down into the trucks that want to dispose of their
20 refuse. At that time he can -- he can determine by,
21 whether it be television or mirrors or combination thereof,
22 he determines approximate yardage that he has and the type
23 of refuse.

24 Q. How many checkers did you have at any one
25 time?

1 A. You will have to be more specific. I don't
2 understand your question. Are you talking just Penrose?

3 Q. Just Penrose.

4 MS. SOKOLSKY: Like for a day or --

5 BY MR. GLAZER: Q. How many would be on duty during
6 the hours of operation?

7 A. Oh, we may have as many as two or three but
8 one doing the actual checking at that point. From time to
9 time the manager, of course, is also checking loads.

10 Q. Could you explain to me how a checker would
11 use a mirror to check the load?

12 A. Uh-huh. We have lines where the trucks are
13 supposed to stop; so the trucks normally stop just like on
14 a stop sign at an intersection, you know, that you are
15 supposed to stop at or before that line. Well, so are
16 these trucks. Most of them do it.

17 We can always ask the truck to back up if the
18 checker cannot see down into his load. Occasionally you
19 will have a load that come through which one of our
20 checkers then has to go outside, climb up on the truck and
21 leisurely look down into it.

22 Q. So is this mirror fixed on some structure?

23 A. Yes. I think all the -- of ours were fixed
24 for Penrose.

25 Q. Can you describe to me the arrangement of the

1 mirror? I mean what was it fixed to?

2 A. A bowl. It was on the side and he would drive
3 through. It would be on the opposite side so when he looks
4 out of his window he looks up into the mirror and the
5 mirror looks down into the load.

6 Q. So it's basically a substitute for the
7 checker climbing up and looking over the side of the truck?

8 A. That is true.

9 Q. At some point L.A. By-Products had installed
10 television cameras at the Penrose facility; is that right?

11 A. Yes, uh-huh.

12 Q. Do you remember when that was?

13 A. No.

14 Q. Like ten years ago or 20 years ago?

15 A. Ten years ago we were closed. No, I don't
16 remember.

17 Q. Were these cameras also fixed on poles?

18 A. Memory serves me right, when we first had them
19 in the television people made it so that we had a type of a
20 joystick so that we could manipulate the camera if he was
21 having a hard time looking in, rather than to make the
22 driver back up or to get into a position where he could
23 see. I believe that those failed and so we went to the
24 permanently installed. In fact, the ones that we currently
25 have at Strathern are permanently installed.

1 Q. Do you know what kinds of things a checker
2 would be looking for when he looked at loads either with a
3 mirror or the T.V. camera?

4 A. He is looking for the list that you showed me
5 in the exhibit and you will have to go back. You showed me
6 a --

7 Q. Referring to Exhibit 3, is that it, the series
8 of letters dating back to 1968?

9 A. Yes, uh-huh. And he is looking at the sign
10 posted and it has all of these items so your demolition and
11 brush he is looking to see if when the driver comes up and
12 says, "I have just done a lot clearing," he is looking to
13 see that is really what he has or does he have hand-loaded
14 lumber or other things.

15 At the same time he is also looking for
16 containers that might be hidden within the brush, things
17 that's not supposed to be in there.

18 Q. Okay. So do you know what would happen if a
19 checker discovered a container in the load?

20 A. Yes. He is refused entry from that point on
21 down.

22 Q. Was that a rule that any closed container was
23 not acceptable?

24 A. Yeah. We didn't allow containers, talking
25 about 55-gallon containers and one gallon like paint cans

1 that might be sealed up, things that were not supposed to
2 be coming in there. Any type of liquid containers to them
3 meant liquids.

4 (Inaudible discussion between the witness and
5 Ms. Sokolsky.)

6 THE WITNESS: He is also -- as he is checking these,
7 he is also not only the items that are acceptable, he is
8 also looking for items that are -- might be solid waste
9 that is not acceptable.

10 BY MR. GLAZER: Q. Such as?

11 A. Oh my, sewage.

12 Q. Now you testified that you accepted waste from
13 apartments and institutions such as colleges?

14 A. Uh-huh.

15 Q. Was any different procedure used in checking
16 loads from places like that?

17 A. Well, no, but I think a clarification here
18 needs to be -- some of the refuse trucks that would come in
19 did not have an open top at which time then they have
20 inspection hatches, and those inspection hatches along with
21 the removal of the tarps, the drivers were asked to open up
22 their inspection hatches also. That's a different type of
23 a truck though. Is that what you were --

24 Q. I am just asking if there was any other?

25 A. Yeah. So that's a little bit different then.

1 We are still talking right up at the checkstand.

2 Q. Right, right. Am I correct in thinking that a
3 load from an apartment building might look different than a
4 load from a construction site?

5 A. Yes, uh-huh.

6 Q. So did it require -- would it require closer
7 scrutiny than a load of broken-up concrete for instance?

8 A. We are still talking up at the checkstand?

9 Q. Exactly.

10 A. Yes.

11 Q. So were there any additional procedures that
12 were used to check waste at the checkstand if it came from
13 an apartment building or --

14 A. Yeah, because they would have to look through
15 the inspection hatch itself.

16 Q. What could you see looking through the
17 inspection hatch?

18 A. You can see some of the refuse that's in there.

19 Q. Where on a truck is an inspection hatch
20 typically located?

21 A. Various places depending on the models.

22 Q. Give me some for instances.

23 A. Towards the front end of a box; some can open
24 up the back hatch too. Some have as many as three or four
25 hatches.

1 Q. How big are these?

2 A. Oh, they range all sizes. There is nothing --
3 no standard.

4 Q. Bigger than a key hole then, I assume?

5 A. Oh yes. A man can get inside, can gain
6 access.

7 Q. What's the next step after the checkstand?

8 A. The refuse truck then proceeds to the working
9 face of the landfill. There will be one of our employees
10 down there that we call the spotter. He basically tells
11 the truck driver where to back in to tip his load. Then
12 the driver proceeds in tipping his load and the spotter
13 observes the types of wastes that are being tipped.

14 If there seems to be some question as to the
15 type of refuse that he is dipping, for example, what you
16 were asking is for example a construction company would
17 normally use. Something we would be receiving from a
18 apartment house that has a different price, he would ask
19 him for his ticket at this time.

20 The spotter is also looking for, once again,
21 any types of liquids or solid waste that we're not supposed
22 to take.

23 Q. You mentioned a ticket. At what point --
24 well, was there a procedure for filling out a manifest or
25 ticket or some other documentation concerning a load that

1 is brought in?

2 A. If it's manifested, if you are talking about
3 hazardous here?

4 Q. I am using it generically. What kind of
5 paperwork did you do?

6 A. The ticket, I told you earlier I believe that
7 it stated the number of yards and the type of refuse. It
8 gave the name of the company. The driver signs his name.
9 Sometimes he will put down a truck number. Some companies
10 had us put certain locations on it. If they didn't trust
11 their truck drivers to do it -- that was for their own
12 internal accounting.

13 The truck driver at that point is given a
14 ticket, and one of those copies he is supposed to give back
15 to his accounting department, and we keep a copy.

16 Q. This is the pit ticket we are talking about?

17 A. The pit ticket.

18 Q. Is there any other paperwork that was done in
19 connection with processing a load?

20 A. No, unless the state of California or some of
21 the other governmental agencies would -- sometimes they
22 would have more paperwork. They would want us to sign
23 possibly the time that a truck load came in. Was for their
24 own internal audits, make sure the drivers were getting to
25 the landfill and getting back to the job site within a

1 certain period of time. Once in a while we will have that,
2 but it's just very, very seldom.

3 I was going to ask you want me to continue
4 with the process of tipping the present refuse?

5 Q. I will get back to that.

6 What kinds of loads did the state of
7 California bring in? Is it also demolition debris?

8 A. That would be included, yeah.

9 Q. Did you do the same sort of paperwork no
10 matter what type of refuse was being brought in, or did
11 you --

12 A. We -- only allowable refuse would come
13 through. If he didn't have the type that was allowed, he
14 was turned away; so no, we did not make out a ticket.

15 Q. So you have one type of ticket that's called a
16 pit ticket?

17 A. That's correct.

18 Q. Okay. Back to the spotters. If the spotter
19 saw something he didn't like, what would he do?

20 A. Immediately notify the driver. The driver was
21 responsible for putting it back into his truck and then he
22 left the site.

23 Q. Do you know if that ever happened during the
24 time you were with L.A. By-Products?

25 A. Sure. Still does.

1 Q. Do you have a rough estimate of out of how
2 many loads how often something like that would happen?

3 A. Once a year would be a lot.

4 Q. How would the driver get the stuff back in his
5 truck?

6 A. Be responsible for lifting it up and putting
7 it in. If he was incapable of doing it then procedures
8 were to now -- we would tape it off in those days. We
9 would have blockades, keep the other trucks from getting
10 near that area. He was then notified to go back to the
11 telephone by walking. He left his truck, he goes back to
12 the telephone, he has to call his boss and has to make
13 arrangements to come down and pick it up.

14 At that time if for some strange reason they
15 can't do it with their type of equipment, they could ask us
16 to help them put in it but I don't recall that ever
17 happening.

18 Q. Do you ever recall an instance where something
19 was dumped, the driver was asked to remove it and he was
20 unable?

21 A. In -- modern, in just within the last couple
22 years I can think of that, but not back in Penrose time
23 because I wasn't out there that often.

24 MS. SOKOLSKY: Where it had already been dumped? Is
25 that your question --

1 MR. GLAZER: Yeah.

2 MS. SOKOLSKY: -- into the landfill?

3 THE WITNESS: He is still at the tipping stage.

4 MS. SOKOLSKY: He said "dump." Listen to the
5 question.

6 BY MR. GLAZER: Q. Is there a difference between
7 tipping and dumping?

8 A. Well, normally when you would say "dumping," I
9 would say it's been concluded, that the refuse now is in
10 place.

11 MS. SOKOLSKY: That's what I would conclude.

12 THE WITNESS: During the tipping process and
13 spotting process we are still in checking and inspection
14 change stage and we still have one more inspection stage to
15 go through.

16 BY MR. GLAZER: Q. Well, I guess my question should
17 be at the tipping stage do you recall any instance where a
18 driver tipped a load that was considered unacceptable but
19 the driver wasn't able to remove it?

20 A. Are you talking about at Penrose?

21 Q. At Penrose.

22 A. No. Personally, I do not.

23 Q. If a driver were to tip a load that was
24 considered unacceptable, who at L.A. By-Products would be
25 notified?

1 MS. SOKOLSKY: Today or back --

2 BY MR. GLAZER: Q. At Penrose during your tenure.

3 A. If he is still in the tipping stage, the
4 driver is going to be taking it out, possibly the manager.
5 They would tell the manager, possibly not. Normally
6 something like that is just taken care of. The driver
7 leaves, he takes it to wherever he has to go.

8 Q. Now in a situation where the load is tipped
9 but there is some problem removing it, would anyone other
10 than the manager be notified?

11 A. Well, I can only go on the Strathern now
12 because I wasn't involved in the Penrose that much.

13 Q. Yes.

14 A. Want me to tell you how we do it at Strathern?

15 Q. No, that's all right.

16 A. What's all right? You want to know or don't
17 want to know?

18 Q. No thanks, not right now.

19 During the time you were at L.A.

20 By-Products --

21 A. I am still there.

22 Q. Right, I'm sorry.

23 MR. MONTES: He wishes he was not.

24 THE WITNESS: Yeah. I wish I was not right now.

25 BY MR. GLAZER: Q. What if any responsibility did

1 you have concerning day-to-day management of the Penrose
2 facility?

3 A. You are asking about all the time I have
4 worked for Penrose?

5 Q. Right.

6 A. Or for L.A. By-Products company?

7 MR. MONTES: Can you specify a more narrower time
8 either during the operation of the landfill or subsequent
9 to the operation of the landfill because they are
10 completely different activities involved here.

11 MR. GLAZER: I want to know did he ever have any
12 day-to-day management responsibility over the Penrose
13 Landfill, and, if he did, then we can narrow it down.

14 THE WITNESS: Yes.

15 BY MR. GLAZER: Q. When was that?

16 A. Presently.

17 Q. Presently?

18 A. Uh-huh.

19 Q. And what responsibility do you have presently?

20 A. Closing it properly.

21 Q. Prior to closure did you have any
22 responsibility over the day-to-day management of Penrose
23 Landfill?

24 A. When you say "closure," what do you mean?

25 Q. I don't know. What do you mean when you use

1 that term?

2 A. There can be lots of meaning to closure.

3 Q. What did you have in mind when you provided me
4 your last answer?

5 A. Closure by all the governmental agencies is
6 one type of a closure. To the IRS it's a different type of
7 closure.

8 Q. Let's put it this way: During the time that
9 Penrose was an operating landfill did you ever have any
10 day-to-day management responsibilities?

11 A. No. Well, let's clarify once again.
12 Operating you mean when we were actually accepting the
13 refuse, that is correct.

14 Q. Right.

15 A. That is correct.

16 Q. Back to the tipping. You said there was an
17 additional inspection between the time of tipping and the
18 conclusion of your transaction with the hauler; is that
19 correct?

20 A. I don't know. You are getting mixed up but at
21 the time of the tipping you have a spotter.

22 Q. Okay.

23 A. He is making an inspection.

24 Q. Right.

25 A. After he has made his inspection, everything

1 appears to be okay.

2 Q. Uh-huh.

3 A. Then the operator of the cat then takes the
4 last tipped load, all right, a load -- he goes load by
5 load. He takes that and he spreads that. He is doing two
6 things: Making another inspection and he is also helping
7 to break up some of the refuse, and it opens up a load so
8 that you can see what's actually inside all of that tipped
9 refuse. Okay.

10 Then the operator then after he has done that
11 and he is satisfied then he starts to work it into the
12 working face of the site itself. Once it's in place then
13 it's called disposed of.

14 Q. When a driver tips a load, is he on the edge
15 of the landfill? Has he driven into the landfill? Where
16 is he physically?

17 A. He is down right at the working face. There
18 will be a large area that is dirt because we have to cover
19 it every night. He will be in the area and all of our
20 working faces went from the bottom and we worked up. Lots
21 of other landfills work from the top and work down. We
22 worked up.

23 Q. So am I right in thinking he had to drive down
24 into the landfill?

25 A. Well, depending on when we were through.

1 Towards the end we had a surcharge so he was actually
2 driving up, but I believe what you are talking about is
3 down in the pit.

4 Q. Right.

5 A. You are thinking drive down, he drives down.
6 Those were the earlier days.

7 Q. Now if you were -- now if the checker or,
8 rather, the spotter is checking a load that's brought in
9 from an apartment complex or a college or other type of
10 institution, what would he be checking for?

11 A. He just wants a couple of examples? He is
12 looking for liquids, he is looking for 55-gallon
13 containers, he is looking for things that we are not
14 supposed to accept.

15 Q. Do you know how -- approximately how long a
16 spotter would check through a tipped load?

17 A. No, because it could be multiple spotters.
18 You would have as many as four down there on the site at
19 one time so all four would be watching as it's being
20 tipped, and in fact he would even aid at the same time the
21 operator is spreading; so there is no given amount of time.

22 Q. So I take it if a load were accepted from an
23 apartment or a college it would contain household-type
24 waste, right?

25 A. Yes, uh-huh.

1 Q. So lots of garage and other things of that
2 type?

3 A. No, no. Garbage, 99 percent of it goes down
4 the garbage disposal. In the old days it went out to the
5 pig farms out in Pomona. During the interim period it was
6 when there wasn't enough to go out to the pig farms then
7 homeowners started wrapping it in newspaper.

8 Q. So what kinds of waste would you be accepting
9 from the apartment or college?

10 A. Paper, wood; some apartments would have garden
11 trimmings. Get a lot of garden trimmings.

12 Q. What type of permit did L.A. By-Products have
13 for the Penrose facility?

14 A. The Class II-2. That's Roman numeral II,
15 Arabic 2.

16 Q. I know you talked about this a bit last time
17 but exactly what kind of materials did that cover?

18 A. Solid, solid wastes. No liquids, no hazards.

19 Q. Do you know if any of the haulers with whom
20 you had accounts picked up waste at any commercial
21 facilities?

22 A. Commercial being what?

23 Q. Oh, print shop, small business, dry cleaner,
24 restaurant?

25 A. Let me put it this way: The guys that haul

1 the refuse in have certain things that they are scared of,
2 certain types of accounts that they stay away from, and you
3 named a couple of them. You said dry cleaner -- they were
4 scared to death of.

5 Q. Why is that?

6 A. The types of liquids -- now I am really
7 guessing. I don't know if you even want me to get involved
8 in this.

9 Q. I want you to explain your answer.

10 A. Okay. I would assume what they are concerned
11 about is them trying to dispose of possibly some liquids
12 that are of an unknown nature and trying to maybe get rid
13 of it illegally. Dry cleaners, I believe, had regular type
14 of institutions or companies that would come around and
15 collect their fluids and recycle it and service their
16 accounts.

17 Q. Are you worried about dry cleaner filter pads?

18 A. That I don't know. I don't know.

19 Q. Well, can you recall any types of commercial
20 establishments, other than apartments or colleges, from
21 whom L.A. By-Products ever accepted loads at the Penrose
22 facility?

23 A. No, because that would be up to the refuse
24 companies. I don't have their records.

25 Q. Well, when they filled out a pit ticket they

1 didn't put down the source of the materials. They just --

2 A. No.

3 Q. Okay.

4 A. Unless it was one of those circumstances where
5 normally it was the state of California. Like Caltrans,
6 for example, then they would be specific. We did have some
7 specifics. As you go through the ledger sheets you will
8 see they wanted to have certain information, Where is this
9 type of refuse coming? Strathern, they wanted to know
10 earthquake type of material, where it was coming from.

11 Q. Why was that?

12 A. Well, it had to do with their funding, I
13 guess. I don't know.

14 Q. Do you know -- during the average period of
15 operation do you know how many loads per hour the Penrose
16 facility took?

17 A. No, no, because it would vary.

18 Q. From what to what, if you can estimate?

19 A. From zero, and then we would have maybe like a
20 lineup of I think on occasion whenever I have been out
21 there I have seen as many as eight lined up where at
22 Strathern when we opened up in the morning we will have
23 them all the way out to the street.

24 Q. You mentioned that the actual spreading of the
25 waste was done by a bulldozer or cat, you called it?

1 A. Uhm-hm.

2 Q. How many such pieces of equipment did L.A.
3 By-Products have at the Penrose facility?

4 A. Try to be more specific, and I think I can
5 answer that.

6 MS. SOKOLSKY: How many at one time or --

7 MR. GLAZER: Let me ask you this.

8 (Inaudible discussion between Mr. Montes and
9 the witness.)

10 BY MR. GLAZER: Q. Was the equipment that was used
11 in operating the landfill, and by that I mean trucks,
12 bulldozers, what have you, was that maintained at the
13 Penrose facility, or were they parked off site?

14 A. They were parked on site. All of the heavy
15 type of maintenance was done by outside concerns. Normally
16 it was Shepherd. They would haul the cat down and do the
17 repairs down there where they are in the city of Industry,
18 I believe, Rose Hills.

19 Q. The repairs were done off site?

20 A. Yeah, major repairs.

21 Q. Any minor repairs done on site?

22 A. Yeah. We would do oil changes. We would have
23 to blow out -- by blowing out, we use high pressure air
24 until OSHA came in to clean the radiators. The radiators
25 would get refuse built up on it so it had to be cleaned;

1 otherwise it would overheat.

2 Q. Any other types of maintenance?

3 A. Well, check the tracks periodically because
4 those are bolted on and they become loose. They would have
5 to clean around the sprockets. It was that type of thing,
6 and sometimes the high air wouldn't be able to clean some
7 of that refuse and they would have to actually go in there
8 and actually pick out a lot of that. Very difficult on the
9 undercarriages to keep them clean.

10 Q. Other than cleaning the radiator did any
11 specific maintenance have to be done on a periodic basis to
12 the engine to keep it from getting --

13 A. Yeah, the oil changes.

14 Q. Anything else?

15 MS. SOKOLSKY: You are talking about on site?

16 MR. GLAZER: Yes.

17 THE WITNESS: No, just be simple little things. I
18 don't know what other things they would be but the heavy
19 job, we didn't have any way of taking care of those. If
20 they had to pull an engine, pull a radiator, Shepherd had
21 to do that.

22 BY MR. GRAZER: Q. Did L.A. By-Products use any
23 solvents in connection with any of these activities?

24 A. Not to my acknowledge, no. Do you consider
25 oil as being a solvent?

1 Q. That's not what I had in mind. I don't know
2 whether I consider it a solvent or not.

3 Let me know when you guys want off record.

4 (Discussion held off the record.)

5 MR. GLAZER: We'll stop for today then.

6 MR. BORCHERT: Same stipulation.

7 (Proceedings adjourned at 12:00 p.m.)

8 (Declaration under penalty of perjury on the
9 following page hereof.)

DECLARATION UNDER PENALTY OF PERJURY

I do solemnly declare under penalty of perjury under the laws of the State of California that the foregoing is my deposition under oath; are the questions asked of me and my answers thereto; that I have read same and have made the necessary corrections, additions or changes to my answers that I deem necessary.

In witness thereof, I hereby subscribe my name this _____ day of _____, 199__.

Michael Robert McAllister

REPORTER'S CERTIFICATE

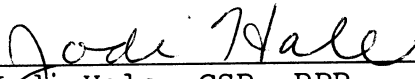
(U.S. vs. AlliedSignal)

The undersigned Certified Shorthand Reporter
licensed in the State of California does hereby certify:

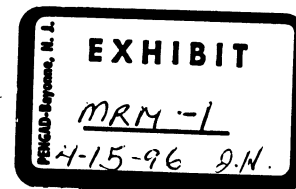
That the foregoing deposition was taken before me
at the time and place therein set forth, at which time the
witness was duly sworn by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed, said transcript being a true copy of my
shorthand notes thereof.

In witness whereof, I have subscribed my name
this date: April 18, 1996.



Jodi Hale, CSR, RPR
Certificate Number 8638



1 LOIS J. SCHIFFER
Assistant Attorney General
2 Environment & Natural Resources Division
United States Department of Justice
3 DAVID B. GLAZER
Environmental Enforcement Section
4 Environment & Natural Resources Division
United States Department of Justice
5 301 Howard Street, Suite 870
San Francisco, California 94105
6 Telephone: (415) 744-6491
NORA M. MANELLA
7 United States Attorney
Central District of California
8 LEON W. WEIDMAN
Assistant United States Attorney
9 Chief, Civil Division
KURT ZIMMERMAN
10 Assistant United States Attorney
Federal Building, Room 7516
11 300 North Los Angeles Street
Los Angeles, California 90012
12 Telephone: (213) 894-5709
Attorneys for Plaintiff United States of America
13 (Additional attorneys listed on next page)

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 UNITED STATES OF AMERICA,) CIV. NO. 93-6490 MRP
18 Plaintiff,) (Consolidated Actions)
19 v.)
20 ALLIED-SIGNAL, INC., et al.,)
21 Defendants.)

22 STATE OF CALIFORNIA, on behalf of) PLAINTIFF UNITED STATES
23 the State Department of Toxic) OF AMERICA'S NOTICE OF
24 Substances Control,) DEPOSITION OF DEFENDANT
25 Plaintiff,) LOS ANGELES BY-PRODUCTS
26 v.) COMPANY, PURSUANT TO FED.
27 ALLIED-SIGNAL, INC., et al.,) R. CIV. P. 30(b)(6)
28 Defendants.)

Sp. Mas. Ralph J. Geffen
Hon. Mariana R. Pfaelzer

1 KAREN SKELTON
2 Environmental Enforcement Section
3 Environment and Natural Resources Division
4 United States Department of Justice
5 P.O. Box 7611 Ben Franklin Station
6 Washington, D.C. 20044-7611
7 (202) 616-8759
8
9 Attorney for Plaintiff United States of America
10

11 DANIEL E. LUNGREN
12 Attorney General of the
13 State of California
14 THEODORA BERGER
15 Senior Assistant Attorney General
16 DONALD A. ROBINSON, State Bar No. 72402
17 Deputy Attorney General
18 ANN RUSHTON, State Bar No. 62597
19 Deputy Attorney General
20 California Department of Justice
21 300 South Spring Street, Suite 500
22 Los Angeles, California 90013
23 (213) 897-2608
24

25 Attorneys for the State of California
26
27
28

1 Plaintiff United States of America hereby serves notice
2 that, pursuant to Fed. R. Civ. P. 30(b)(6), commencing on April
3 15, 1996 at 10:00 a.m. and continuing from day to day until
4 finished, it shall take the deposition of defendant Los Angeles
5 By-Products ("LABP"), through such witnesses as defendant
6 designates, on the following topics:

7 1. The handling, storage, recycling, transportation,
8 and disposal of hazardous substances (including, but not limited
9 to, VOCs and the solvents TCE and PCE) at the Penrose landfill
10 and at the Tuxford landfill (the "facilities").

11 2. Each incident that has occurred at the facilities
12 in which any amount of hazardous substances (including, but not
13 limited to, VOCs and the solvents TCE and PCE) has leaked,
14 spilled or has otherwise been released into the environment.

15 3. Any and all efforts undertaken by or on behalf of
16 LABP to assess or remediate environmental conditions at the
17 facilities, including any and all sampling efforts and data
18 analyses from any medium, including soil, soil vapor, surface
19 water, and groundwater.

20 4. LABP's denials of the allegations of the Amended
21 Complaint and defenses raised by defendant against plaintiff's
22 claims in the Amended Complaint.

23 The deposition shall take place at the Office of the
24 United States Attorney, 300 North Los Angeles Street, Los
25
26
27
28

1 Angeles, California, or at such other location as may be agreed
2 upon.

3
4 Dated: March 19, 1996

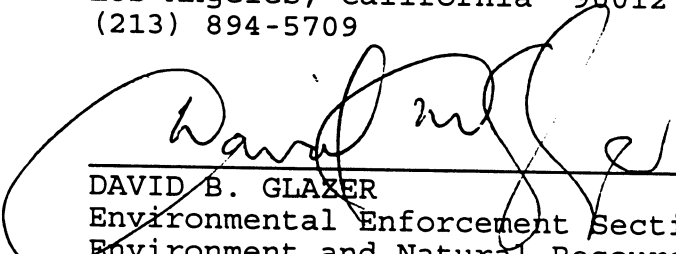
Respectfully submitted,

5 LOIS J. SCHIFFER
6 Assistant Attorney General
7 Environment and Natural Resources
8 Division
9 United States Department of Justice
10 Washington, D.C. 20530

11 NORA M. MANELLA
12 United States Attorney
13 Central District of California

14 LEON W. WEIDMAN
15 Assistant United States Attorney
16 Chief, Civil Division

17 KURT ZIMMERMAN
18 Assistant United States Attorney
19 Central District of California
20 Federal Building, Room 7516
21 300 North Los Angeles Street
22 Los Angeles, California 90012
(213) 894-5709

23 
24 DAVID B. GLAZER
25 Environmental Enforcement Section
26 Environment and Natural Resources
27 Division
28 United States Department of Justice
301 Howard Street, Suite 870
San Francisco, California 94105
(415) 744-6491

OF COUNSEL:

24 Marie Rongone, Esq.
25 Assistant Regional Counsel
26 U.S. Environmental Protection
27 Agency - Region IX
28 75 Hawthorne Street
San Francisco, California 94105
(415) 744-1313

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

1. I am over the age of 18 years and am not a party to this action.

3. I am familiar with the office practices of the U.S. Department of Justice at the above location, including its mail processing practices.

5. Following the above described practices, on March 19, 1996, I caused a true copy of

to be served upon the persons listed on the attached service list
by U.S. Mail, postage prepaid.

Executed on March 19, 1996, in San Francisco,
California.

- 3 -

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3

4

5
6
7

8

9
0
1

4
5
6

901

3

4
5
6

73-02-197
RECORDING REQUESTED BY

305

EXHIBIT

MRM-2

4-15-96 J.M.

BX 15189PG 946

Title Insurance and Trust Company

AND WHEN RECORDED MAIL TO

Name 3955 CLUB INC.
Street 315 West Ninth Street
Address Los Angeles, California 90015
City & State ATTN: Russell W. Bledsoe

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA

MAR 5 1974 AT 8 A.M.

Recorder's Office

MAIL TAX STATEMENTS TO

Name LOS ANGELES BY-PRODUCTS CO.
Street 1810 EAST 25TH STREET
Address
City & State LOS ANGELES, CALIF. 90058

DOCUMENTARY TRANSFER TAX \$ 2,860.00

—A— COMPUTED ON FULL VALUE OF PROPERTY CONVEYED
—OR COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES REMAINING AT TIME OF SALE.

Sign. of Declarant or Agent determining tax. Firm Name

FEE
\$3
K

Corporation Grant Deed

TO 406 CA (7-68)

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, CONROCK CO., a Delaware corporation, who acquired title as CONSOLIDATED ROCK PRODUCTS CO.,

a corporation organized under the laws of the state of Delaware hereby GRANTS to LOS ANGELES BY-PRODUCTS CO., a California corporation

the following described real property in the City of Los Angeles,
County of Los Angeles, State of California:

PARCEL 1:

Lots 1 and 2 of Tract No. 27736, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 708 Pages 46 and 47 of Maps, in the office of the County Recorder of said County.

RESERVING unto the grantor and his assigns all precious metals and ores and all non-precious minerals and all oil, gas and other hydrocarbons in the premises described herein, except that there shall be no right of entry on the surface of said premises or in said premises to a depth of 500 feet measured at right angles from the surface thereof.

PARCEL 2:

An easement for road purposes for ingress and egress to Lankershim Boulevard over the Northerly 30 feet of the Southerly 4.27 acres of the Northerly 14.27 acres (as computed to street centers) of Lot 5 of the property of the Lankershim Rancho Land & Water Co., in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 31 Page 39 of Miscellaneous Records, in the office of the County Recorder of said County.

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its _____ President and _____ Secretary thereunto duly authorized.

Dated: March 1, 1974

CONROCK CO., a Delaware corporation, who
acquired title as CONSOLIDATED ROCK PRODUCTS
a Delaware corporation

By _____ President

By _____ Secretary

STATE OF CALIFORNIA

COUNTY OF Los Angeles } SS.

On March 4, 1974 before me, the under-
signed, a Notary Public in and for said State, personally appeared
Byron P. Weintz known

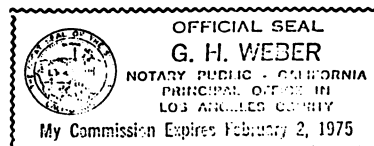
to me to be the _____ President, and
Scott J Wilcott known to me to be

Secretary of the Corporation that executed the
within Instrument, known to me to be the persons who executed the
within Instrument on behalf of the Corporation therein named, and
acknowledged to me that such Corporation executed the within Instru-
ment pursuant to its laws or a resolution of its board of directors.
WITNESS my hand and official seal.

Signature _____

G. H. WEBER

Name (Typed or Printed)



(This area for official notarial seal)

Title Order No. 7258196-MN

Escrow XXXXX No. 72 58 196-BCL:cjt

MAIL TAX STATEMENTS AS DIRECTED ABOVE

December 13, 1968

Mr. H. C. Gravatte
Chief Street Use Inspector
Bureau of Street Maintenance
CITY OF LOS ANGELES
900 City Hall
Los Angeles, California 90012

Dear Sir:

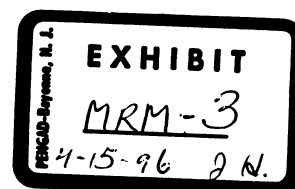
Subject: Dump at 8251 Tujunga Avenue
Sun Valley, California

In conformance with your letter dated December 10, 1968, we are enclosing our check No. 4094 in the amount of \$1,650.00 to cover the annual permit fee for our Tuxford-Penrose Pit at 8251 Tujunga Avenue, Sun Valley, California.

The following is information required by regulations adopted by the Board of Public Works on August 26, 1959 and subsequently amended.

Prior to the commencement of filling operations at this site, there was total space available for filling of 7,445,911 cubic yards. Filling began September 1, 1960. Due to additional excavation of this pit, an aerial survey was made on March 1, 1968. The survey shows an additional 4,245,909 cubic yards, thus making a total of 11,691,820 cubic yards available. As of November 30, 1968 the total space available was 3,851,071 cubic yards. Space is being filled at a rate of 400 to 500 thousand cubic yards per year. At present rate, it is anticipated that waste disposal facilities at this site will continue for the next ten to fifteen years.

This waste disposal facility is open seven days a week. The hours of operation are from 7:00 A.M. to 5:30 P.M. Prices are as follows:



Mr. H. C. Gravatte
Bureau of Street Maintenance
Page 2

December 13, 1968

Minimum charge -----	\$ 1.00
Trailers & Pickups 18" high 6' long -----	1.50
" " " " 8' " -----	2.00
" " " " 10' " -----	2.50
" " " " 12' " -----	3.00
Trucks: Demolition and brush -----	.50/yd
Solid and mixed material -----	.60 "
Hand-loaded lumber and large concrete ---	.75 "
Heavy bulky items such as palms, stumps, tires, etc. -----	1.00 "
Pull-offs -----	1.00 extra

We are also enclosing an Affidavit which states that no changes have been made in the statements set forth in our original application dated April 28, 1960 except as revised in subsequent affidavits and the attached affidavit.

Very truly yours,

C. C. Sexton
President-Manager
LOS ANGELES BY-PRODUCTS CO.

CCS:bs
Encl.

December 15, 1969

Mr. H. C. Gravatte
Chief Street Use Inspector
Bureau of Street Maintenance
CITY OF LOS ANGELES
900 City Hall
Los Angeles, California 90012

Dear Sir:

Subject: Dump at 8251 Tujunga Avenue
Sun Valley, California

In conformance with your letter dated December 10, 1969, we are enclosing our check No. 7989 in the amount of \$1,650.00 to cover the annual permit fee for our Tuxford-Penrose Pit at 8251 Tujunga Avenue, Sun Valley, California.

The following is information required by regulations adopted by the Board of Public Works on August 26, 1959 and subsequently amended.

Prior to the commencement of filling operations at this site, there was total space available for filling of 7,445,911 cubic yards. Filling began September 1, 1960. Due to additional excavation of this pit, an aerial survey was made on March 1, 1968. The survey shows an additional 4,245,909 cubic yards, thus making a total of 11,691,820 cubic yards available for filling operations. As of November 30, 1969 the total space occupied by fill material was 4,555,660 cubic yards. Space is being occupied at the rate of 400 to 500 thousand cubic yards per year. At the present rate, it is anticipated that waste disposal facilities at this site will continue for the next ten to fifteen years.

This waste disposal facility is open seven days a week. The hours of operation are from 7:00 A.M. to 5:30 P.M. Prices are as follows:

Mr. H. C. Gravatte
Bureau of Street Maintenance
Page 2

December 15, 1969

Minimum charge	\$ 1.00
Trailers & Pickups 18" high 6' long	1.50
" " " 8' "	2.00
" " " 10' "	2.50
" " " 12' "	3.00
Trucks" Demolition and brush .....	.50/yd.
Solid and mixed material .....	.60 "
Hand-loaded lumber and large concrete ..	.75 "
Heavy bulky items such as palms, stumps, tires, etc.	1.00 "
Pull-offs	1.00 extra

We are also enclosing an Affidavit which states that no changes have been made in the statements set forth in our original application dated April 28, 1960 except as revised in subsequent affidavits and the attached affidavit.

Very truly yours,

C. C. Sexton
President-Manager
LOS ANGELES BY-PRODUCTS CO.

CCS:bs
Encls.

December 3, 1970

Mr. D. J. Dunn
Chief Street Use Inspector
Bureau of Street Maintenance
900 City Hall
Los Angeles, California 90012

Dear Mr. Dunn:

Subject: Dump at 8251 Tujunga Avenue
Sun Valley, California

In conformance with your letter dated December 1, 1970, we are enclosing our check No. 12045 in the amount of \$1650.00 to cover the annual permit fee for our Penrose Pit at 8251 Tujunga Avenue, Sun Valley, California.

The following is information required by regulations adopted by the Board of Public Works on August 26, 1959 and subsequently amended.

Prior to the commencement of filling operations at this site, there was total space available for filling of 7,445,911 cubic yards. Filling began September 1, 1960. Due to additional excavation of this pit, an aerial survey was made on March 1, 1968. The survey shows an additional 4,245,909 cubic yards, thus making a total of 11,691,820 cubic yards available for filling operations. As of November 30, 1970 the total space occupied by fill material was 5,154,237 cubic yards. The space is being occupied at the rate of 400 to 500 thousand cubic yards per year. At the present rate, it is anticipated that waste disposal facilities at this site will continue for the next 10 to 12 years.

This waste disposal facility is open seven days a week. The hours of operation are from 7:00 A.M. to 5:30 P.M. Prices are as follows:

Mr. D. J. Dunn
Chief Street Use Inspector
Page 2

December 3, 1970

Minimum charge.....	\$ 1.00
Trailers & Pickups - level full - 6' long	\$ 2.00
" " " " 8' "	3.50
" " " " 10' "	4.00
" " " " 12' "	5.00
Trucks: Demolition and brush .....	.75/yd
Solid and mixed material .....	.75 "
Hand-loaded lumber and large concrete	1.00 "
Heavy bulky items such as palms, stumps, tires, etc.	2.00 "
Pull-offs	1.00 extra

We are also enclosing an Affidavit which states that no changes have been made in the statements set forth in our original application dated April 28, 1960 except as revised in subsequent affidavits.

Very truly yours,

C. C. Sexton
President-Manager
LOS ANGELES BY-PRODUCTS CO.

CCS:bs
Encls.

December 7, 1971

Mr. D. J. Dunn
Chief Street Use Inspector
Bureau of Street Maintenance
900 City Hall
Los Angeles, California 90012

Dear Mr. Dunn:

Subject: Dump at 8251 Tujunga Avenue
Sun Valley, California

In conformance with your letter dated December 1, 1971, we are enclosing our check No. 1540 in the amount of \$2,355.00 to cover the annual permit fee for our Penrose Pit at 8251 Tujunga Avenue, Sun Valley, California.

The following is information required by regulations adopted by the Board of Public Works on August 26, 1959 and subsequently amended.

Prior to the commencement of filling operations at this site, there was total space available for filling of 7,445,911 cubic yards. Filling began September 1, 1960. Due to additional excavation of this pit, an aerial survey was made on March 1, 1968. The survey shows an additional 4,245,909 cubic yards, thus making a total of 11,691,820 cubic yards available for filling operations. As of November 30, 1971 the total space occupied by fill material was 5,720,021 cubic yards. The space is being occupied at the rate of 400 to 500 thousand cubic yards per year. At the present rate, it is anticipated that waste disposal facilities at this site will continue for the next 10 to 12 years.

This waste disposal facility is open seven days a week. The hours of operation are from 7:00 A.M. to 5:30 P.M. Prices are as follows:

Mr. D. J. Dunn
Chief Street Use Inspector
Page 2

December 7, 1971

Minimum charge	\$ 1.00
Trailers & Pickup - level full - 6' long	\$ 2.00
" " " " 8' "	3.50
" " " " 10' "	4.00
" " " " 12' "	5.00
Trucks: Demolition and brush .....	.75/yd.
Solid and mixed material .....	.75 "
Hand-loaded lumber and large concretel.	1.00 "
Heavy bulky items such as palms, stumps, tires, etc.....	2.00 "
Pull-offs	1.00 extra

We are also enclosing an Affidavit which states that no changes have been made in the statements set forth in our original application dated April 28, 1960 except as revised in subsequent affidavits and the attached affidavit.

Very truly yours,

C. C. Sexton
President
LOS ANGELES BY-PRODUCTS CO.

CCS:bs
Encls.

December 7, 1972

Mr. D. J. Dunn
Chief Street Use Inspector
Bureau of Street Maintenance
700 City Hall South
Los Angeles, California 90012

Dear Mr. Dunn:

Subject: Dump at 8251 Tujunga Avenue
Sun Valley, California

In conformance with your letter dated December 4, 1972, we are enclosing our check No. 5696 in the amount of \$2,355.00 to cover the annual permit fee for our Penrose Pit at 8251 Tujunga Avenue, Sun Valley, California.

The following is information required by regulations adopted by the Board of Public Works on August 26, 1959 and subsequently amended.

Prior to the commencement of filling operations at this site, there was total space available for filling of 7,445,911 cubic yards. Filling began September 1, 1960. Due to additional excavation of this pit, an aerial survey was made on March 1, 1962. The survey shows an additional 4,245,909 cubic yards, thus making a total of 11,691,820 cubic yards available for filling operations. As of November 30, 1972 the total space occupied by fill material was 6,179,557 cubic yards. The space is being occupied at the rate of 400 to 500 thousand cubic yards per year. At the present rate, it is anticipated that waste disposal facilities at this site will continue for the next 10 to 12 years.

This waste disposal facility is open seven days a week. The hours of operation are from 7:00 A.M. to 5:30 P.M. Prices are as follows:

Mr. D. J. Dunn
Chief Street Use Inspector
Page 2

December 7, 1972

Minimum charge.....	\$ 1.00
Trailers & Pickups-level full-6' long	2.00
" " " " 8' "	3.50
" " " " 10' "	4.00
" " " " 11' "	5.00

Trucks: Demolition and brush .....	.75/yd.
Solid and mixed material .....	.75/"
Hand-loaded lumber & large concretel.	1.00 "
Heavy bulky items such as palms, stumps, tires, etc.....	2.00 "
Pull-offs	1.00 extra

We are also enclosing an Affidavit which states that no changes have been made in the statements set forth in our original application dated April 28, 1960, except as revised in subsequent affidavits and the attached affidavit.

Very truly yours,

C. C. Sexton
President
LOS ANGELES BY-PRODUCTS CO.

CCS:bs
Encls.

December 12, 1973

Mr. D. J. Dunn
Chief Street Use Inspector
Bureau of Street Maintenance
700 City Hall South
Los Angeles, California 90012

Dear Mr. Dunn:

Subject: Dump at 8251 Tujunga Avenue
Sun Valley, California

In conformance with your letter dated December 3, 1973, we are enclosing our check No. 9557 in the amount of \$2,355.00 to cover the annual permit fee for our Penrose Pit at 8251 Tujunga Avenue, Sun Valley, California.

The following is information required by regulations adopted by the Board of Public Works on August 26, 1959 and subsequently amended.

Prior to the commencement of filling operations at this site, there was total space available for filling of 7,445,911 cubic yards. Filling began September 1, 1960. Due to additional excavation of this pit, an aerial survey was made on March 1, 1968. The survey shows an additional 4,245,909 cubic yards, thus making a total of 11,691,820 cubic yards available for filling operations. As of November 30, 1973 the total space occupied by fill material was 6,841,205 cubic yards. The space is being occupied at the rate of 500 to 600 thousand cubic yards per year. At the present rate, it is anticipated that waste disposal facilities at this site will continue for the next 8 to 10 years.

This waste disposal facility is open seven days a week. The hours of operation are from 7:00 A.M. to 5:30 P.M. Prices are as follows:

W *(CJ)*